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ESSAYS

ON THE

CONSTITUTION OF THE UNITED STATES,

PUBLISHED DURING

ITS DISCUSSION BY THE PEOPLE

1787–1788.

EDITED

BY

PAUL LEICESTER FORD.

BROOKLYN, N. Y.:
HISTORICAL PRINTING CLUB.
1892.

INTRODUCTION.

In 1888 the editor selected from the pamphlet arguments published during the discussion of the Constitution of the United States, prior to its ratification by the States, a collection of fourteen tracts, and printed them in a volume under the title of *Pamphlets on the Constitution of the United States*. The reception given that collection clearly proved that these writings were only neglected because of their rarity and inaccessibility, and has induced the editor to collect another, though largely similar class of writings, which he believes of equal value and equally unknown.

In the great discussion which took place in the years 1787 and 1788 of the adoption or rejection of the Constitution of the United States, one of the important methods of influencing public opinion, resorted to by the partisans and enemies of the proposed frame of government, was the contribution of essays to the press of the period. The newspapers were filled with anonymous articles on this question, usually the product of the great statesmen and writers of that period. Often of marked ability, and valuable as the personal views of the writers, the dispersion and destruction of the papers that contained them have resulted in their almost entire neglect as historical or legal writings, and the difficulty of their proper use has been further increased by their anonymous character, which largely destroyed the authority and weight they would have carried, had their true writers been known.

From an examination of over forty files of newspapers and many thousand separate issues, scattered in various public and private libraries, from Boston to Charleston, the editor has selected a series of these essays, and reprinted them in this volume. From various sources he has obtained the name of the writer of each. All here reprinted are the work of well-known men. Five of the writers were Signers of the Declaration of Independence; seven were members of the Federal Convention; many were members of the State Conventions, and there discussed the Constitution. All had had a wide experience in law and government. Their arguments are valuable, not merely for their reasoning, but from their statement of facts. New light is thrown upon the proceedings in the Federal Convention, so large a part of which is yet veiled in mystery; and personal motives, and state interests, are mercilessly laid bare, furnishing clues of both the support of and opposition to the Constitution. Subsequently most of the writers were prominent in administering this Constitution or opposing its development, and were largely responsible for the resulting tendencies of our government.

PAUL LEICESTER FORD.

Brooklyn, N. Y., April, 1892.

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THE LETTERS

OF

CASSIUS.

WRITTEN BY

JAMES SULLIVAN,

AND PRINTED IN

THE MASSACHUSETTS GAZETTE,

SEPTEMBER—DECEMBER,

1787.

NOTE.

THE letters signed Cassius were, at the time of publication, generally accredited to the pen of James Sullivan, and this opinion is adopted in Amory's *Life of James Sullivan.* The letters themselves bear out this opinion, being clearly written by a partisan of the Hancock faction, of whom Sullivan was a warm adherent, and constant newspaper essayist.

The first two letters were printed before the promulgation of the proposed Constitution in Massachusetts, and chiefly relate to the differences between the two parties headed by John Hancock and James Bowdoin; but are included here to complete the series. The letters are of particular value as giving the position of Hancock, of whom Sullivan was the particular mouthpiece, proving him to be a supporter of the adoption of the Constitution, though the contrary has often been asserted. The early letters were commented upon by "Old Fog," in the *Massachusetts Centinel* of Sept. 22 and Oct. 6, 1787.

CASSIUS, I.

THE MASSACHUSETTS GAZETTE,

(Number 367)

TUESDAY, SEPTEMBER 18, 1787.

For the Massachusetts Gazette.

It is a great pity that such an able writer as Numa* should take up the pen to distribute sentiments, which have a tendency to create uneasiness in the minds of the misinformed and weak, (for none other will be influenced by them) especially at this time when the state is hardly recovered from those convulsions,† it has so recently experienced.

The real well-wisher to peace and good government cannot but execrate many of the ideas which that would be-disturber of tranquillity has lately proclaimed to the publick, through the channels of the Hampshire Gazette, and Independent Chronicle.‡ The man of sense, the true lover of his country, would, if a change of officers was to take place in the government to which he was subject, and men be placed in power, whom he thought not so capable of the task as those who preceded them, endeavour, all in his power, to extenuate the evil, and none but the ruthless incendiary, or the disappointed tool, would, at such a period, conduct in a manner the reverse.

It is well known, that there is a party in this state whose sentiments are in favour of aristocracy; who wish to see the constitution dissolved, and another, which shall be more arbitrary

*A writer then attacking the Hancock party. See *The Independent Chronicle* for Aug. 23, and Sept. 15, 20, 1787. *Ed.*

†Shay's Rebellion. *Ed.*

‡Massachusetts newspapers published in Northampton and Boston. *Ed.*

and tyrannical, established on its ruins. Perhaps a few of this description were members of the last ad . . . st . . . n.* If so, most happy for the commonwealth, they are now hurled from seats of power, and unable to carry into effect plans laid for subverting the liberties of the people.—Checked at once in their horrid career—all those hopes blasted which they entertained of concerting measures which would "afford them matter for derision at a future day,"—they now put on the garb of hypocrisy, and seem to weep for the terrible misfortunes which they pretend are hovering around us. Such characters are, it is hoped, forever banished from places of trust. Some of them pretend to be mighty politicians,—they display a vast knowledge of ancient times—and by their harangues about the conduct of Greece, Rome and Athens, show their acquaintance with the pages of antiquity. In some few instances, however, perhaps they are a little mistaken. The learned Numa says, "the degenerate Romans banished Cicero for saving the commonwealth." Rome did not banish Cicero—a faction, who wished to triumph over the liberties of Rome, exiled that immortal orator; and to that, or a similiar one, he at last fell a sacrifice. If a faction can be styled the people, with great propriety do the disappointed aristocraticks, and their tools, in our day, style themselves, the great majority of the people.

If Numa, and others of the like stamp, are politicians, they are very short-sighted ones. If our government is weak, is it policy to weaken it still more by false suggestions, and by a scandalous abuse of our rulers? by endeavouring to spread a spirit of discontent among the people, and prejudicing their minds against those whom, by their suffrages, they have chosen to take the helm of affairs? If this is policy, Numa is, indeed, an accomplished politician.

But the time of triumph for the aristocratick clan is now over. The people have seen their folly in listening too much to them already. Their conduct has involved the state in confusion; but it is hoped, a conduct the reverse will place matters again upon a right footing. The secret machinations, which were harboured

* The administration of Governor Bowdoin. *Ed.*

in the breasts of those aristocratick dupes, have been laid open to publick inspection—their plans thoroughly investigated—and the horrid tendency of them, had they taken effect, been fully manifested.

They may weep, crocodile-like, till the source of their tears is dried up, they never will get the prey into their jaws, which they hoped to devour. The sting of remorse, it may be hoped, will bring them to a sense of their guilt, and an upright conduct make some amends for their high-handed offences. Should this take place, an injured people may forgive, though they never can forget them.

Let Numa reflect, that we now have, at the head of government, those men who were the first to step forth in the great cause of liberty—who risked their all to acquire the blessings of freedom; though that freedom, through the influence of such characters as himself, has been often abused.

The people know their rulers, and have confidence in them: and can it be supposed, that they would have confidence in those, whose dastardly souls, in time of danger, shrunk back from the scene of action, and kept secure in their strong holds? and when peace and independence had crowned the exertions of far more noble souls, they groped out of darkness and obscurity, and intruded themselves into places of power and trust?

Can it be expected, that the people should have confidence in such men, or feel themselves secure under their government? By no means. The bandage is taken from their eyes—they see and detest them. They have displaced them, that they may return to their former obscurity, and pass the remainder of their days in philosophizing upon their conduct. Numa and his coadjutors may exert themselves all in their power; but they cannot again stir up sedition and rebellion.

The people now have too much penetration to be led away by their falsehoods and scandal: they will, it is hoped, ere long, reap the blessings of good government, under the direction of a wise administration, and treat in a manner they deserve, every incendiary attempt against their peace and happiness.

CASSIUS.

CASSIUS, II.

THE MASSACHUSETTS GAZETTE,

(Number 371)

TUESDAY, OCTOBER 2, 1787.

For the Massachusetts Gazette.

To Numa's long list of evils, which he says, in some of his productions, are prevalent in the commonwealth, he might have added, that when priests became Jesuits, the liberties of the people were in danger—in almost all countries, we shall find, that when sedition and discontent were brewing, Political Jesuits were often at the bottom of the affair.

Unhappily for Numa, the citizens of Massachusetts are not so blinded by ignorance, nor so devoted to prejudice and superstition, as the common people in those arbitrary and despotick governments, where clerical imposition reigns paramount almost to everything else; where the freedom of speech is suppressed, and the liberty of the people, with regard to examining for themselves, totally restrained.

It is, however, the case that, even in this country, the weak and ignorant are often led too implicitly to put their faith wholly upon what their spiritual teachers think proper to inform them, and precipitately imbibe sentiments from them, which, if their teacher is a designing knave, may prove detrimental to society. The Jesuit will, however, find it very difficult, notwithstanding many circumstances may seem to favor his views, to carry the point of altering a free government to one more arbitrary, in such a country as this.

The cloak of religion too often answers to promote plans detri-

mental to the peace and happiness of mankind. The priests, who accompanied the Spaniards when they first invaded the kingdoms of Mexico and Peru, urged on those blood-hounds to perpetrate scenes of cruelty and horror (at the bare recital of which human nature shudders), with assurances that it would tend to promote the cause of the Christian religion, if they effected the conquest of those unhappy people, and that any conduct was justifiable to bring infidels to a sense of their duty.

The teacher of the benign and peaceable doctrine of the Saviour of mankind, often thinks he can, with greater security, on account of his profession, disseminate the seeds of sedition and discontent, without being suspected. This thought no doubt occurred to Numa before he exhibited his designing productions to the publick. Sheltered under the sacred wing of religion, how many an impious wretch stalks secure from publick justice,

> "Whose mem'ries ought, and will perhaps yet live,
> In all the glare which infamy can give."

Numa indicates that he means to prepare the minds of the people for the reception of that government which the Federal Convention shall think most proper for them to adopt. In the name of common sense, what can that scribbler mean by this assertion? Is a scandalous abuse of our rulers—the propagation of sentiments which are calculated to set the publick mind in a ferment—if they are so far attended to as to have any influence among the people—a fit preparation for such a measure? Surely, by no means, and every thinking mind will discover that the productions of Numa are either intended to effect secret purposes, or that they are merely effusions of the fanatick brain of that Quixote of the day.

Instead of vile insinuations and falsehoods being spread among the people, in regard to their rulers, in order to prepare their minds for the reception of that form of government which the Federal Convention may propose, sentiments the very reverse ought to be propagated. The people ought to be inspired with the highest confidence in those who preside over the affairs of the state. It ought to be implanted in their minds, that their rulers are men fit to conduct every plan which might be proposed, to

promote the general welfare of the people; and this with truth may be asserted. But Numa has no more intention of preparing the minds of the people for the government which the Federal Convention may propose, than Queen Catharine has of abdicating the throne of Russia.

The people of Massachusetts ought to be cautioned, above everything, to be on their guard with respect to the conduct of Political Jesuits. They have generally been the curse of almost every country that has cherished; they have often been the promoters of revolution and bloodshed. A set of infernal fiends, let loose from the dreary mansions of Beelzebub, cannot be more detrimental to the place and happiness of society, than a band of Political Jesuits.

Citizens of Massachusetts! those men who now preside over you are, and ever have been, the patrons of freedom and independence! men whose exertions have been unceasing to promote and secure to you the blessings of a free government; whose grand stimulus to act is the advancement of your welfare and happiness!—men whose conduct is not stinted by the narrow concerns of self, and who, "when their country calls, can yield their treasure up, and know no wish beyond the publick good." Such are the men who now wield the affairs of state, and whose deeds will, when those of that vile clan of calumniators who exist in this state are rotting in the tomb of oblivion, conspicuously adorn the brightest pages of the American revolution.

„Numa* and his band, the calumniators of true worth, may bustle away for a while; but they will ere long be obliged to retire from the bright flashes of patriotism and merit; and, after finding their endeavours fruitless, to sully The Character of the Brightest Luminary that ever Adorned the Hemisphere of Massachusetts,† and many other illustrious patriots, who compose the present administration, they will retire to gnash their teeth in anguish and disappointment, in the caverns of obscurity—a punishment their conduct most justly merits. CASSIUS.

* The author of the productions under the signature of Numa, it is said, is a gentleman of the cloth, in one of the Western counties.

† John Hancock. *Ed.*

CASSIUS, III.

THE MASSACHUSETTS GAZETTE,

(Number 383)

FRIDAY, NOVEMBER 16, 1787.

For the Massachusetts Gazette.

IT was the saying of an eminent legislator, that if we had angels to govern us, we should quarrel with them. The conduct of some among us has repeatedly evinced, beyond a doubt, that this would actually be the case; we have proof of this in a more particular manner in the opposition now made by some (but I sincerely hope the number is few) to the form of government agreed upon by the late federal Convention. I firmly believe, if a form of government was proposed to some of the inhabitants of the United States by the great Author of Nature himself, founded on the basis of eternal rectitude, and sanctioned in the courts above, that they would object to it.

It is a happy circumstance for the citizens of the United States that they are acquainted with the motives which actuate the present opposers to the plan of federal government; as they now, instead of listening with candour to the dictates of mad frenzy and wild ambition, will treat with the deserved contempt all their productions.

The opposers to the plan of federal government, are composed of such as are either deeply in debt and know not how to extricate themselves, should a strict administration of law and justice take place, or those who are determined not to be contented under any form of government, or of such as mean to "owe their greatness to their country's ruin."—Are such fit men to point out objections

to a government, proposed by the first characters in the universe, after a long and candid discussion of the subject?—Are such fit characters to propose a government for ruling a free and enlightened people?—Can those who are known to be divested of honour, justice and integrity, expect to propagate sentiments that will outweigh those of men whose character as true republicans and wise statesmen, are known from pole to pole—men, whose wisdom and firmness have emancipated the United States from the yoke of bondage, and laid the foundation of an empire, which (if the people will still follow their precepts) will last till time shall be swallowed up in the "wasteless ages of eternity?"—Can scribblers whose fame is but of a day, think to influence the citizens of the United States so far as to cause them to respect a form of government calculated to diffuse the blessings of civil society far and wide?—If they can harbour ideas of such a nature, I pity their weakness and despise their villainy.

Some writers in Pennsylvania, New York and Massachusetts, have displayed their scribbling talents in opposition to the plan of federal government; but it is easy to perceive by their arguments, that they are men who are fearful of not being noticed in a federal government, or are some of the stamp before mentioned. Their arguments are without weight, and their assertions and insinuations as foreign to the real state of facts as anything possibly can be: they anticipate evils, which, in the nature of things, it is almost impossible should ever happen, and, for the most part, their reasoning (if it is not a degradation to reason to call such jargon by its name) is incoherent, nonsensical and absurd.

Some writers in Massachusetts have discovered such weakness, inconsistency and folly in their productions, that it discovers them to be entirely ignorant of the subject they pretend to discuss, and totally unacquainted with the plan of government proposed by the federal convention. Among this number, is a scribbler under the signature of Vox Populi;* whose signature, to have been consistent with his productions, should have been Vox Insania. This pompous and very learned scribbler, goes on to harrangue the public about the danger, hazard, terrour and de-

* A writer in the *Massachusetts Gazette*, Oct. 30, Nov. 6, 13, 16, and 23. *Ed.*

struction which will attend the adoption of the federal Constitution. He pleads, in a mournful strain, much about woful experience. From this circumstance, I am induced to suppose Vox Populi was an adherent of the celebrated Shays, in his unfortunate expedition the last winter, and wofully experienced the misfortune attendant on the insurgents, through the energy of government. However, the inhabitants of Massachusetts may be assured, that they will have Woful Experience with a witness, if they suffer themselves to be led away by such ignorant, knavish and designing numbheads as Vox Populi and his clan, so far as to reject the plan of federal government proposed by the Convention. Vox Populi complains that our source for taxes is exhausted, and says we must have a new system for taxation: but he must consider, that if the federal government is adopted, we shall not have occasion to employ the legislature so great a part of the year as we are now obliged to do; of consequence, government will be able to apply their money to better uses than paying anti-federalists, while they are spreading their poisonous vapours through the already too much infected atmosphere.

Mr. Vox Populi remarks, that some people are already taxed more than their estates are worth; in this instance I sincerely believe he speaks the truth. But what is the occasion of their being thus taxed?—It is because they make a show as though they have property, though in fact it belongs to another; they live sumptuously, and riot in the property of their unfortunate creditors. Perhaps Mr. Vox Populi is one of this class, and has wofully experienced a taxation more than his whole estate is worth: if he is, I would advise him, instead of employing his time in belching out his "de factos, plene proofs" and other chit-chat of the like kind, and disseminating his execrable "ideas," to go about adjusting his affairs, as it will tend more to his honour, and perhaps be the means of saving him from the woful experience of confinement in a place much more fit for him than that in which he now is.

I pity Mr. Vox Populi's weakness and conceit, in thinking he and others of his class have accents not less majestick than thunder, as I really think he is very singular in his opinion. Instead

of his "accents" being majestick as thunder, they are as harmless and insignificant as the feeble breeze.

Citizens of Massachusetts, look well about you; you are beset by harpies, knaves and blockheads, who are employing every artifice and falsehood to effect your ruin. The plan of federal government is fraught with every thing favourable to your happiness, your freedom and your future welfare: if you reject it, posterity will execrate your memories, and ceaselessly insult your ashes: if you adopt it, they will revere your departed shades, and offer up libations of gratitude on your tombs.

May that wisdom which is profitable to direct guide your judgments—and may you, by adopting the federal government, secure to yourselves and your posterity every social and religious advantage, and every national blessing.

CASSIUS.

CASSIUS, IV.

THE MASSACHUSETTS GAZETTE,

(Number 385)

FRIDAY, NOVEMBER 23, 1787.

For the Massachusetts Gazette.

Anarchy, with her haggard cheeks and extended jaws, stands ready, and all allow that unless some efficient form of government is adopted she will soon swallow us. The opposers to the plan of government lately agreed upon by the federal convention have not spared their censures upon it: they have stigmatized it with every odious appellation that can be named; but amidst all their railing, have not so much as hinted at a form of government that would be proper for us to adopt: and even if they had, it would have remained for us to examine, whether they were men of more honesty, greater abilities, and firmer patriots and friends to their country, than the members of the late convention; and whether the form of government, which they might propose, was better adapted to our situation and circumstances, and freer from imperfections, than the one which has already been proposed to us. But it is not the intention of the opposers to the plan of federal government, founded on firm and truly republican principles; as, in that case, their aims would be entirely defeated, as it would put it out of their power to stir up sedition and discontent; and they would be lost in obscurity, or move in a most contemptible sphere.

I have before hinted, that the opposers of the plan of federal government are composed of knaves, harpies and debtors; and, I

trust, it will soon appear, what I have said is not a bare assertion only, but a matter of fact.

I shall now proceed to make a few remarks on the conclusion of "Vox Populi's," or rather Vox Insania's, production which appeared in last Friday's paper.

Vox Populi requests the inhabitants of Massachusetts "to pay that attention to the federal constitution which the importance of its nature demands;" and informs them, that they "have hazarded their lives and fortunes (by the way, a wonderful piece of news) to establish a government founded on the principles of genuine civil liberty," &c. I join with him in his request. And am confident if that attention which is requisite is paid to the proposed plan of federal government, that it will meet with the hearty approbation of every well wisher to the freedom and happiness of his country. It is true, that the inhabitants of America have hazarded their lives and fortunes to establish a free and efficient government; but will Vox Populi, that moon-light prophet, pretend to say that such a government is at present established? Vox Populi goes on to inform us, that, by adopting the new plan of government, we shall make inroads on the constitution of this State, which he seems to think will be sacrilegious. His narrow and contracted ideas, his weak, absurd, and contemptible arguments, discover him to be possessed of a mind clouded with the gloom of ignorance, and thick with the grossest absurdity. Strange it is, that that babbler should suppose it unjustifiable for the people to alter or amend, or even entirely abolish, what they themselves have established. But says Vox Populi, perhaps the new plan will not have the same number to approbate it, that the constitution of this State had. Perhaps Vox Populi will be hung for high treason. There is, in my opinion, as much probability in the latter perhaps, as in the former. Pray, Mr. Vox Populi, if I may be so bold, what reason have you to judge that there will not be so many for adopting the constitution proposed by the convention, as there were for adopting the constitution of this State some years ago? Do you suppose the inhabitants of Massachusetts have depreciated in their understanding? or do you suppose that the sublimity of your jargon has blinded them with

respect to their best interests? If you suppose the former, I think you have not been much conversant with them of late, or that your intellects are something defective. If you suppose the latter, in my opinion, you are no better than a downright Fool.

Vox Populi sets out to touch the consciences of men in office, in representing the solemnity of an oath. It seems almost impossible that any one should be so stupidly blinded to every dictate of reason and common sense, as to start such things as have been mentioned by Vox Populi, to deter men from using their influence to effect the adoption of the new plan of government.

Can that shallow-pated scribbler suppose that an oath taken by rulers to stand by a form of government, adopted by the people, can be of any force or consideration if the people choose to change that form of government for another more agreeable to their wishes?

But (in order without doubt to strike a greater dread upon their minds) Vox Populi says, "the oath is registered in Heaven." Pray, Mr. Vox Populi, when was you there? and did you really see the oath registered? The constitution of this state was formed, and officers appointed under it, long since the awful battle was fought in Heaven, between Michael and the Prince of Darkness, and I cannot conceive of your admittance there in any other way than under the banners of his Satanick Majesty, who might suppose that such an unparelleled phenomenon would have an effect on the archangel that would be favourable to his cause.

Vox Populi asserts that the General Court* acted merely officially in laying the proposed plan of government before the people. No man of candour, sense and foresight, Mr. Vox Populi, will ask the reason of the General Court's laying the plan of government proposed by the federal constiution before the people, as their own minds will suggest to them the true reason for it, and none but those who are as stupid and ignorant as yourself, would suppose that the General Court acted merely officially in doing as they did. The General Court were undoubtedly influenced by motives of the best kind in what they did.

They without doubt were anxious that the people should have

* The Legislature of Massachusetts was then so styled. *Ed.*

the new plan of government to consider of in due time, and, considering the importance of it, and the tendency it had to promote their happiness, liberty and security, took the first opportunity to present it to them. 'Tis true, Mr. Vox Populi, that you are a member of the legislature; it is also true that you are possessed of a mind as emaciated as the mass of corrupt matter that encircles it. But although you belong to the house of representatives, I trust you are not the mouth of that honourable body; and, if not, pray who authorised you to inform the publick of the motives for their conduct? Did they in an official manner make their motives known to you, and request you to lay them before the publick? Indeed, Mr. Vox Populi, you seem to put on very assuming airs, but I think you had better humble yourself, as your station may, ere long, be lowered.

A writer under the signature of Examiner,* has several times pointed out the fallacy of the writings of Vox Populi, and requested that ghost-like scribbler to lay a form of government before the publick in lieu of that which he has taken upon him to condemn; and has informed him, that if he does not, and still continues scribbling, his modesty will be called in question.

The Examiner is entirely unacquainted with the babbler he justly reproves, or he would not have mentioned anything to him respecting modesty; as he must be sensible that screech-owls are entirely divested of modesty, and he may be assured that Vox Populi is one of those midnight squallers.

Inhabitants of Massachusetts! be constantly on the watch—It requires almost the eyes of an Argus to penetrate into all the schemes of those designing wretches, who are waiting to see you reject the federal system of government, and involve yourselves in all the horrours of anarchy, then to riot with pleasure on your miseries. Disappoint their expectations—adopt the proposed plan of federal government—it will secure to you every blessing which a free and enlightened people can expect to enjoy.

Some, who are now in office, but expect soon to leave it, and bid adieu to power, unless they can effect the establishment of a government which shall

* In the *Massachusetts Gazette*, for Nov. 2, 9, and 20, 1787. *Ed.*

"Cause treason, rapine, sacrilege and crimes,
To blot the annals of these western climes,"

are busy in spreading every false and malicious insinuation in their power, to prejudice the people against the new plan of government; but it is hoped they will see through their designs, and treat them with contempt—and wisely agree to embrace the new plan of government, which is favourable to every sentiment of republicanism, and replete with every thing beneficial to their welfare.

CASSIUS.

CASSIUS, V.

THE MASSACHUSETTS GAZETTE,

(Number 386)

TUESDAY, NOVEMBER 27, 1787.

For the Massachusetts Gazette.

"Now there was a day when the sons of God came to present themselves before the Lord, and Satan came also among them.

"And the Lord said unto Satan, Whence comest thou? Then Satan answered the Lord, and said, From going to and fro in the earth, and from walking up and down in it.

"And the Lord said unto Satan, Hast thou considered my servant Job, that there is none like him in the earth, a perfect and an upright man, one that feareth God, and escheweth evil?" &c., &c.

Citizens of Massachusetts! like the sons of God have the members of the late federal convention assembled together; like them too, have they been infested with the presence of Satan, or such as were influenced by Satanick principles, and who wish to thwart every design that has a tendency to promote the general good of the United States.

Let us take a short view of the characters who composed the late federal convention. Are they not men who, from their infancy, have been nurtured in the principles of liberty, and taught to pay a sacred regard to the rights of human nature? Are they not men who, when the poisonous breath of tyranny would have blasted the flower of Independence in its bud, and veiled every ray of freedom in the clouds of lawless despotism, nobly stepped forth in defence of their injured country's rights, and through the

influence of whose exertions, favoured by the protection of an over-ruling Power, the thick fog of despotism vanished like the early dew before the powerful rays of the resplendent luminary of the universe? Are they not honest, upright and just men, who fear God and eschew evil?

With few exceptions, they are mostly men of this character; and, Citizens of Massachusetts, they have formed a government adequate to the maintaining and supporting the rank and dignity of America in the scale of nations; a government which, if adopted, will protect your trade and commerce, and cause business of every kind rapidly to increase and flourish; it is a government which wants only a candid perusal and due attention paid to it, to recommend it to every well-wisher to his country.

Brethren and citizens, hearken to the voice of men who have dictated only for your and posterity's good; men who ever

> "Have made the publick good their only aim,
> And on that basis mean to build their fame."

Listen not to the insinuations of those who will glory only in your destruction, but wisely persevere in the paths of rectitude.

CASSIUS.

CASSIUS, VI.

THE MASSACHUSETTS GAZETTE,

(Number 387)

FRIDAY, NOVEMBER 30, 1787.

For the Massachusetts Gazette.

MR. ALLEN:

Through the channel of your Paper, I beg leave to offer one or two short remarks on a production which appeared in your last, under the signature of Agrippa.*

Without saying anything concerning the justness of the learned Agrippa's observations on past events, I shall confine myself chiefly to a small part of his uncommonly ingenious essay.

Agrippa says, "the attempt has been made to deprive us," &c., "by exalting characters on the one side, and vilifying them on the other." And goes on, "I wish to say nothing of the merits or demerits of individuals, such arguments always do hurt." Immediately after this he insinuates that the members of the late federal convention have, "from their cradles, been incapable of comprehending any other principles of government than those of absolute power, and who have, in this instance (meaning the form of government proposed by them) attempted to deprive the people of their constitutional liberty by a pitiful trick." Thus the ignorant loggerhead blunders directly into the very same thing which he himself, just before, takes upon him to censure. Perhaps Agrippa thinks that excusable in anti-federalists, which in a federalist he beholds as criminal; justly thinking, without doubt,

* See the letters of Agrippa in this work. *Ed.*

that as absurdity, knavery and falsehood, is the general characteristick of anti-federalists, he might indulge himself in either of them, without meriting censure.

I apprehend, that Agrippa has a new budget of political ideas, centered in his pericranium, which he will, in his own due time, lay before the publick; for he insinuates, that the members of the late federal convention are incapable of comprehending any other principles of government than those of absolute power. Was it the dictates of absolute power, that inspired the immortal Washington to lead forth a band of freemen to oppose the inroads of despotism, and establish the independence of his country? Was it the dictates of arbitrary power, that induced the celebrated Franklin to cross the wide Atlantick to procure succours for his injured countrymen and citizens?

Blush and tremble, Agrippa! thou ungrateful monster!—Charon's boat now waits on the borders of the Styx, to convey you to those mansions where guilt of conscience will prey upon your intellects, at least for a season!

"Is there not some chosen curse,
Some hidden thunder in the stores of heaven,
Red with uncommon wrath, to blast" the wretch,
Who dares pollute such names
So sacred, and so much belov'd?
Methinks I hear each freeman cry,
Most certainly there is.

CASSIUS.

CASSIUS, VII.

THE MASSACHUSETTS GAZETTE,

(Number 387)

FRIDAY, NOVEMBER 30, 1787.

For the Massachusetts Gazette.

I believe it may be asserted for fact, that since the foundations of the universe were laid, there has no kind of government been formed, without opposition being made to it, from one quarter or another.

There always has been, and ever will be, in every country, men who have no other aim in view than to be in direct opposition to every thing which takes place, or which is proposed to be adopted.—This class of beings always wish to make themselves important, and to incur notice; and, conscious of their inability to obtain that notice which is bestowed on the patriot and the just man, they put up (because they cannot help it) with being noticed only for their absurdity and folly. When you hear this class of Would Be's engaged in condemning any form of government, or any thing else, ask them this simple question—What do you think would be better than that which you condemn?—O! that is quite another matter, would most probably be the answer; we are not adequate to the task of fabricating a government, we leave that to wiser heads—but, they will continue, it is easy for any one to discover the imperfections in this form of government we are condemning. Strange absurdity!—inadequate to the task of constructing, yet capable of criticizing upon, and pointing out the defects of, anything which is constructed. Well may we say, in the words of another—

"Some are bewilder'd in the maze of schools,
And some made criticks Nature meant but fools:
In search of wit these lose their common sense,
And then turn critics in their own defence."

There is not, in the extensive circle of human nature, objects more completely despicable than those who take upon them to censure and condemn a work, without being able to substitute any thing preferable in lieu of it.

In those objects, last mentioned, this country considerably abounds, as the newspaporial pages fully evince. They have been busily employed of late, in finding fault with the plan of government proposed by the federal convention; they have almost exhausted their folly, knavery, absurdity, and ridiculous, inconclusive, non-applicable arguments on the subject; and, in my opinion, was this question asked them, What do you mean by all your learned farrago about this matter? they could not give any other reasonable answer, than that their intent was, to exhibit specimens of their scribbling talents.—But I will dismiss this subject for the present, in order to make a few remarks on the conduct of some others, since the proposed form of government made its appearance.

In some assemblies, where the necessity of calling a state convention to consider of the merits of the new constitution has been debated, some gentlemen, who were opposed to the plan of federal government, while they reprobated it, at the same time declared that none were more truly federal than themselves.—What a pity it is, for these patriots in theory, that actions speak louder than words—and that the people are so incredulous as not to believe a thing which they know to be directly the reverse of truth.—

It ever prejudices people against arguments, even if they should happen to be just, if they are prefaced by a glaring falsehood—this, sharpers do not always consider, when they are attempting to carry their favourite points.—It is something to be wondered at, that a certain theoretical patriot,* instead of saying he would

* Probably Elbridge Gerry, delegate from Massachusetts to the Federal Convention. *Ed.*

sooner have lost his hand than subscribed his name to the plan of federal government, had not have declared, that he would sooner have lost his head, and the amazing fund of federal wisdom it contains, before he would have been guilty of so horrid an act.

Look around you, inhabitants of America! and see of what characters the anti-federal junto are composed.—Are any of them men of that class, who, in the late war, made bare their arms and girded on the helmet in your defence?—few, very few indeed, of the antifederalists, are men of this character. But who are they that are supporters of that grand republican fabrick, the Federal Constitution?—Are they not the men who were among the first to assert the rights of freemen, and put a check to the invasions of tyranny? Are they not, many of them, men who have fought and bled under the banners of liberty?—Most certainly this is the case.—Will you then, countrymen and fellow-citizens, give heed to these infamous, anti-federal slanderers, who, in censuring the proposed plan of federal government, have dared, basely dared to treat even the characters of a Washington and a Franklin with reproach?—Surely you will not. Your good sense and discernment will lead you to treat with abhorrence and contempt every artifice which is put in practice to sap the confidence you have in men who are the boast of their country, and an honour to human nature. You certainly cannot harbour an idea so derogatory to reason and the nature of things, as that men, who, for eight years, have fought and struggled, to obtain and secure to you freedom and independence, should now be engaged in a design to subvert your liberties and reduce you to a state of servitude. Reason revolts at the thought, . . . and none but the infamous incendiary, or the unprincipled monster, would insinuate a thing so vile.

CASSIUS.

CASSIUS, VIII.

THE MASSACHUSETTS GAZETTE,

(Number 391)

FRIDAY, DECEMBER 14, 1787.

For the Massachusetts Gazette.

TO THE INHABITANTS OF THIS STATE:

In some former publications, I have confined myself chiefly to pointing out the views of the opposers to the plan of federal government; the reason why I did not enter particularly into the merits of the new constitution is, that I conceived if it was candidly read, and properly attended to, that alone would be sufficient to recommend it to the acceptance of every rational and thinking mind that was interested in the happiness of the United States of America. Some babblers of the opposition junto have, however, complained that nothing has been said, except in general terms, in favour of the federal constitution; in consequence of this, incompetent as I am to the undertaking, I have been induced to lay the following remarks before the publick.

Sect. first, of the new constitution, says,

"All legislative powers Herein Granted shall be vested in a congress of the United States."

I beg the reader to pay particular attention to the words herein granted, as perhaps there may be occasion for me to recur to them more than once in the course of my observations.

The second section of the federal constitution says, that the members of the house of representatives shall be chosen every

second year, and the electors shall have the qualifications requisite for electors of the most numerous branch of the state legislature. Some have made objections to the time for which the representatives are to be chosen; but it is to be considered, that the convention, in this particular, meant to accommodate the time for which the representatives should stand elected, to the constitutions of the different states. If it had been provided, that the time should have been of shorter duration, would not a citizen of Maryland or South-Carolina had reason to murmur?

The weakness the anti-federalists discover in insinuating that the federal government will have it in their power to establish a despotick government, must be obvious to every one; for the time for which they are elected is so short, as almost to preclude the possibility of their effecting plans for enslaving so vast an empire as the United States of America, even if they were so base as to hope for anything of the kind. The representatives of the people would also be conscious, that their good conduct alone, would be the only thing which could influence a free people to continue to bestow on them their suffrages: the representatives of the people would not, moreover, dare to act contrary to the instructions of their constituents; and if any one can suppose that they would, I would ask them, why such clamour is made about a bill of rights, for securing the liberties of the subject? for if the delegates dared to act contrary to their instructions, would they be afraid to encroach upon a bill of rights? If they determined among themselves to use their efforts to effect the establishment of an aristocratical or despotick government, would a bill of rights be any obstacle to their proceedings? If they were guilty of a breach of trust in one instance, they would be so in another.

The second section also says, no person shall be elected a representative who shall not have been seven years an inhabitant of the United States. This clause effectually confounds all the assertions of the anti-federalists, respecting the representatives not being sufficiently acquainted with the different local interests of their constituents; for a representative, qualified as the constitution directs, must be a greater numbskull than a Vox Populi or

an Agrippa,* not to have a knowledge of the different concerns of the Confederation.

The objection that the representation will not be sufficient, is weak in the highest degree. It is supposed, that there are sufficient inhabitants in the state of Massachusetts to warrant the sending of six delegates, at least, to the new Congress—To suppose that three gentlemen, of the first characters and abilities, were inadequate to represent the concerns of this state in a just manner, would be absurd in the highest degree, and contradictory to reason and common sense. The weakness of the anti-federalists, in regard to the point just mentioned, sufficiently shews their delinquency with respect to rational argument. They have done nothing more than barely to assert, that the representation would not be sufficient: it is a true saying, that assertions are often the very reverse of facts.

Sect. third, of the new constitution, says, each state shall choose two senators, &c. The liberalty of this clause is sufficient, any reasonable person would suppose, to damp all opposition.

Can any thing be more consistent with the strictest principles of republicanism?

Each state is here upon an equal footing; for the house of representatives can of themselves do nothing without the concurrence of the senate.

The third section further provides, that the senate shall choose their own officers. This is so congenial with the constitution of our own state, that I need not advance any argument to induce the free citizens of Massachusetts to approbate it. And those who oppose this part of the federal plan, act in direct opposition to what the anti-federalists often profess, for the excellency of our constitution has been their favourite theme.

The third section also provides, that the senate shall have the sole power to try all impeachments. This clause seems to be peculiarly obnoxious to anti-federal sycophants.

They have declared it to be arbitrary and tyrannical in the highest degree. But, fellow-citizens, your own good sense will

* Anti-federal scribblers in the Mass. Gazette.

lead you to see the folly and weakness contained in such assertions. You have experienced the tyranny of such a government; that under which you now live is an exact model of it. In Massachusetts, the house of representatives impeach, and the senate try, the offender.

That part of the proposed form of government, which is to be styled the senate, will not have it in their power to try any person, without the consent of two-thirds of the members.

In this respect, therefore, the new constitution is not more arbitrary than the constitution of this state. This clause does not, therefore, savour in the least of any thing more arbitrary than what has already been experienced: so that the horrours the anti-federal junto pretend to anticipate on that head, must sink into nothing. Besides, when the house of representatives have impeached, and the senate tried any one, and found him guilty of the offence for which he is impeached, they can only disqualify him from holding any office of power and trust in the United States: and after that he comes within the jurisdiction of the law of the land.

How such a proceeding can be called arbitrary, or thought improper, I cannot conceive. I leave it to the gentlemen in opposition to point out the tyranny of such conduct, and explain the horrid tendency it will have, for the government of the United States to determine whether any one or more of their own body are worthy to continue in the station to which they were elected.

Another clause, which the anti-federal junto labour to prove to be arbitrary and tyrannical, is contained in the fourth section, which provides, that the time and place for electing senators and representatives shall be appointed by the different state legislatures, except Congress shall at any time make a law to alter such regulation in regard to the place of choosing representatives. The former part of this clause, gives not the least opportunity for a display of anti-federal scandal, and the latter, only by misrepresentation, and false construction, is by them made a handle of. What is intended, by saying that Congress shall have power to appoint the place for electing representatives, is, only to have a

check upon the legislature of any state, if they should happen to be composed of villains and knaves, as is the case in a sister state;* and should take upon themselves to appoint a place for choosing delegates to send to Congress; which place might be the most inconvenient in the whole state; and for that reason be appointed by the legislature, in order to create a disgust in the minds of the people against the federal government, if they themselves should dislike it. The weakness of their arguments on this head, must therefore be obvious to every attentive mind.

There is one thing, however, which I might mention, as a reason why the opposition junto dread the clause a forementioned —they may suppose, that Congress, when the people are assembled for the choice of their rulers, in the place they have appointed, will send their terrible standing army (which I shall speak of in its place) and, Cesar Borgia like, massacre the whole, in order to render themselves absolute. This is so similar to many of the apprehensions they have expressed, that I could not pass it by unnoticed. Indeed the chief of their productions abound with improbabilities and absurdities of the like kind; for having nothing reasonable to alledge against a government founded on the principles of staunch republicanism, and which, if well supported, will establish the glory and happiness of our country. They resort to things the most strange and fallacious, in order to blind the eyes of the unsuspecting and misinformed.

CASSIUS.

* Referring to Rhode Island. *Ed.*

(*To be continued.*)

CASSIUS, IX.

THE MASSACHUSETTS GAZETTE.

(Number 392)

TUESDAY, DECEMBER 18, 1787.

For the Massachusetts Gazette.

TO THE INHABITANTS OF THIS STATE.

(*Continued from our last.*)

Section 5, of the new constitution, says, Each house shall be a judge of the elections, returns and qualifications of its own members—a majority shall constitute a quorum, and be authorized to compel the attendance of absent members, in such manner and under such penalties as the law may provide. Each house shall determine the rules of its proceedings—punish its members for disorderly behaviour—and with the consent of two-thirds, expel a member. Each house shall keep a journal of its proceedings, and from time to time publish the same, &c. No one, who professes to be governed by reason, will dispute the propriety of any assembly's being the judge of the qualifications requisite to constitute a member of their own body. That part of the fifth section which says a majority shall constitute a quorum, has been an object against which many anti-federal shafts have been levelled. It has been asserted by some, that this clause empowers a majority of members present, to transact any business relating to the affairs of the United States, and that eight or ten members of the house of representatives, and an equal number of the senate, might pass a law which would benefit themselves, and injure the community at large. The fallacy of such assertions is suffi-

ciently conspicuous to render them ridiculous and contemptible in the eyes of every unprejudiced mind—for the section further expresses, That a smaller number than a quorum may adjourn from day to day, and be authorised to compel attendance of absent members. This is all the power that is vested in a smaller number than the majority. It is therefore evident, that when it says a majority shall constitute a quorum to do business, it means a majority of the whole number of members that belong to either house.

Sect. 5, further provides, That each house shall keep a journal of its proceedings, and from time to time publish the same, &c. This clause is so openly marked with every feature of republicanism, and expressed in such liberal and comprehensive terms, that it needs no comment to render it acceptable to the enlightened citizens of Massachusetts.

Sect. 6, provides, That the senators and representatives shall receive a compensation for their services, to be ascertained by law—they shall, except in cases of treason, felony, or breach of peace, be privileged from arrest during their session.—The necessity of such regulations must appear plain to every one; the inhabitants of Massachusetts, fully convinced of the justness of such provision, made it in the constitution of this state. The 6th section further says, No member shall be called to account for sentiments delivered in either house, at any other place. In this clause, the freedom of debate, so essential to the preservation of liberty and the support of a republican form of government, is amply provided for. Impeded by no obstacle whatever, the patriot may here proclaim every sentiment that glows within his breast. How far despotism can encroach upon such a government I leave the antifederal junto to declare.

The 6th section further provides, that no senator or representative shall, during the time he is in office, be elected or appointed to any office under the United States—nor shall any person, holding any office under the government, be elected a member of either house during his continuance in that station.

This clause at once confutes every assertion of the antifederalists respecting the new congress being able to secure to them-

selves all offices of power, profit and trust. This section is even more rigidly republican than the constitution of this commonwealth; for in the general assembly of Massachusetts, a civil officer is not excluded a seat; whereas the new constitution expressly asserts that no person in civil office under the United States shall be eligible to a seat in either house.

Sect. 7 provides that all bills for raising revenues shall originate in the house of representatives. Here again must the anti-federists appear weak and contemptible in their assertions that the senate will have it in their power to establish themselves a complete aristocratick body; for this clause fully evinces that if their inclinations were ever so great to effect such an establishment, it would answer no end, for being unable to levy taxes, or collect a revenue, is a sufficient check upon every attempt of such a nature.

The 7th section further provides, That every bill which passes the house of representatives and the senate, before it becomes a law, shall be presented to the president of the United States; if he objects to it the sense of both houses will be again taken on the subject, and if two-thirds of the members are in favour of the bill, it passes into a law.

Much clamour has been made about the power of the president; it has been asserted that his influence would be such as to enable him to continue in office during life.

Such insinuations are founded on a very slender basis. If the president opposes the sense of both houses, without sufficient reasons for his conduct, he will soon become obnoxious, and his influence vanish like the fleeting smoke; and his objection to anything which the house and senate may think calculated for the promotion of the publick good, will be of no effect.

Sect. 8 provides, That Congress shall have power to lay and collect taxes, duties, imposts, excises, &c.—to pay debts, to provide for the common defence and general welfare of the United States—that all duties, imposts and excises shall be uniform throughout the Union—they shall have power to coin money, and to fix the value thereof, &c.—The impotency of the present Congress sufficiently indicates the necessity of granting greater powers to a federal head; and it is highly requisite such a head

should be enabled to establish a fund adequate to the exigencies of the Union.

The propriety of all duties and imposts being uniform throughout the states, cannot be disputed. It is also highly requisite that Congress should be enabled to establish a coin which shall circulate the same throughout all the states. The necessity of such arrangements is certainly very obvious. For other particulars contained in the 8th section, I must refer my readers to the Constitution, and am confident they will find it replete with nothing more than what is absolutely necessary should be vested in the guardians of a free country.

Can, then, those murmuring sycophants, who oppose the plan of federal government, wish for anything more liberal than what is contained in the aforementioned section? If the powers of a federal head were to be established on as weak a frame as that on which the present confederation is founded, what effect would any constitution have in giving energy to measures designed to promote the glory of the Union, and for establishing its honour and credit? One great object of the federal Convention was, to give more power to future Assemblies of the States. In this they have done liberally, without partiallity to the interests of the states individually; and their intentions were known before the honourable body was dissolved. And now that a form of government, every way adequate to the purposes of the Union, has been proposed by them, in which proper powers are to be vested in the supreme head, a hue and cry is raised by the sons of sedition and dishonesty, as though an army of uncircumcised Philistines were upon us!

They are bellowing about, that tyranny will inevitably follow the adoption of the proposed constitution. It is, however, an old saying, that the greatest rogue is apt to cry rogue first. This we may rely upon, that if we follow perfidious counsels, as those are, I dare affirm, of the anti-federalists, every evil which that sapp brood anticipates, will befall us. Besides, foreign creditors will not be cheated out of their property; nor will the creditors of our own country be tame spectators of the sacrifice of their interest at the shrine of villainy.

Section 9th says, The writ of habeus corpus shall not be suspended, unless in case of rebellion, or the invasion of the publick safety may require it. It has been asserted by some, that a person accused of a crime, would be obliged to ruin himself, in order to prove his innocence; as he would be obliged to repair to the seat of federal government, in order to have his cause tried before a federal court, and be liable to pay all expenses which might be incurred in the undertaking. But the section beforementioned proves that assertion to be futile and false, as it expressly provides for securing the right of the subjects, in regard to his being tried in his own state.

The 9th section further provides, that a regular statement and account of the receipts and expenditures of all publick monies, shall be published from time to time. Thus the people will have it in their power to examine the appropriations made of the revenues and taxes collected by Congress; and if they are not satisfied in regard to the conduct of their rulers in this respect, they will be able to effect a change agreeable to their wishes.

The last section of this article provides, that no state shall enter into any treaty, alliance, &c., coin money, emit bills of credit, make any other but gold and silver coin a tender in payment of debts—all laws respecting imposts, duties, and excises, shall be subject to the revision and controul of Congress.

The absolute necessity of powers of this nature being vested in a federal head is indisputable.

For want of such a power, what vile proceedings have of late disgraced almost every legislative measure of Rhode Island! For want of such a power, some honest creditors in Massachusetts have been paid in old horses and enormous rocks, in return for money loaned upon interest. With respect to the controul of Congress over laws of the afore-mentioned description, it is highly requisite that it should take place: nor have the people any thing to fear from such a proceeding; for their controul cannot be extended farther than the powers granted in the new constitution; the words of which are, "all powers Herein Granted." If any act originates contrary to this, it will be of no effect, and a mere nullity.

Section one, of article second, provides that the executive power shall be vested in a president of the United States. The necessity of such a provision must appear reasonable to any one; and further remarks, therefore, on this head will be needless.

In the same section it is provided, (among other things which to argue upon would be unnecessary, as they are founded on the firmest principles of republicanism) that Congress shall determine the time for choosing electors, and the day of election shall be the same throughout the Union. Can anything more strongly mark a liberal and free government than this clause? No one state will in the least be influenced in their choice by that of another; and Congress cannot have the least controul in regard to the appointment of any particular men for electors. This, among other things, proves that all requisite power will still remain in the hands of the people, and any insinuation to the contrary, must be a mere chicane to blind the judgments of the misinformed.

CASSIUS.

(*To be continued.*)

CASSIUS, X.

THE MASSACHUSETTS GAZETTE,

(Number 393)

FRIDAY, DECEMBER 21, 1787.

For the Massachusetts Gazette.

TO THE INHABITANTS OF THIS STATE.

(*Continued from our last.*)

Section 1, of article II. further provides, That the president shall, previous to his entering upon the duties of his office, take the following oath or affirmation: I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States. Thus we see that instead of the president's being vested with all the powers of a monarch, as has been asserted, that he is under the immediate controul of the constitution, which if he should presume to deviate from, he would be immediately arrested in his career and summoned to answer for his conduct before a federal court, where strict justice and equity would undoubtedly preside.

Section 3, of article II. provides, That the president of the United States shall, from time to time, give Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient—he may, on extraordinary occasions, convene both houses or either of them, and adjourn them to such time as he may think proper—he shall take care that the laws be faithfully executed, and shall commission all officers of the United States.

Very little more power is granted to the president of the United States, by the above section, than what is vested in the governours of the different states. The propriety of vesting such powers in a supreme executive cannot be doubted. What would it signify to appoint an executive officer, and immediately after to make laws which would be a barrier to the execution of his commission?

It would answer the same end that the nominal power which is vested in the different states answers, that is, it would answer the end of paying for the support of a shaddow, without reaping the benefit of the substance.

It is certainly requisite that proper powers should be vested in an executive (and certainly no more than necessary powers are vested in the executive of the United States by the new constitution) or else the establishment of such a branch is needless.

Section 4, of article II. says, The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.—Thus we see that no office, however exalted, can protect the miscreant, who dares invade the liberties of his country, or countenance in his crimes the impious villain who sacrilegiously attempts to trample upon the rights of freemen.

Who will be absurd enough to affirm, that the section alluded to, does not sufficiently prove that the federal convention have formed a government which provides that we shall be ruled by laws and not by men? None, surely, but an anti-federalist—and from them falsehood receives constant homage; for it is on the basis of falsehood and the summit of ignorance, that all opposition to the federal government is founded.

Section 1, of article III. provides, That the judicial power of the United States shall be vested in one supreme court, and in such inferiour courts as Congress may from time to time appoint. —It has been asserted, that a federal court would be an engine of partiality in the government, a source of oppression and injustice to the poorer part of the community; but how far consistency influenced the conduct of the authors of such assertions, the publick must determine. The anti-federalists have said, that if a

cause should come before one of state judicial courts, and judgment be given against the person who possessed most interest, that he would immediately appeal to the federal court, whose residence would be at the seat of government, and consequently at so great a distance that an inhabitant of the state of Georgia or New-Hampshire, if he was in low circumstances, would not be able to carry his cause before the federal court, and would, therefore, be obliged to give it up to his wealthier antagonist. The glaring improbability with which such insinuations abound, must be obvious to every one.

Can it be supposed, that any person would be so inconsistent, after a cause was given against him, in a court where judges presided whose characters, as honest and just men, were unrivalled, as to attempt to have the cause re-heard before the federal court?

Indeed if such a thing was to take place, the man in low circumstances would have nothing to fear, as the payment of all charges would fall upon the person who lost the cause, and there is not the shadow of a doubt, with respect to the person's losing the cause, who had lost it before in a court of justice in either of the states.

In regard to the equal administration of justice in all the states, a rattle brained anti-federalist, in the last Mass. Gazette, under the signature of Agrippa,* has asserted, that the inequality of the administration of justice throughout the states, was a favourite argument in support of the new constitution—an assertion founded on as impudent and barefaced a falsehood as ever was uttered, for the very reverse is the case. The equality of the administration of justice in the different states, has ever been dwelt upon as recommendatory of the new plan of government. I am induced to think that Agrippa is non compos, and this might proceed from his close application to study, while the library of a celebrated university was under his care†—he seems to be one of those whom Pope describes when he says,

"Some are bewilder'd in the maze of schools," &c.

I hope my readers will forgive this digression, when they con-

* Harvard University Library, of which James Winthrop was librarian.—*Ed.*

† Said to be by James Winthrop. See the letters, printed herein.—*Ed.*

sider that such scandalous lies, absurdities, and misrepresentations as the productions of Agrippa, that political Quixote, abound with, may have a tendency to prejudice the minds of the misinformed against the new constitution, unless they are properly noticed.

Section 2, of Article III. provides, among other things, that the trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the crime shall have been committed; but when not committed within any state, the trial shall be at such place or places, as Congress may by law have directed. It has been frequently asserted that the new constitution deprived the subject of the right of trial by jury; on what grounds such an assertion could be founded, is to me a mystery; for the constitution expressly says, that the trial shall be by jury, except in cases of impeachment. In our own state, if a civil officer is impeached he will not be tried by a jury, but by that branch of our legislature styled the senate. Tired, no doubt, with a repetition of arguments, upon parts of the constitution which did not appear quite plain till investigated and rightly construed, the anti-federalists have taken upon them to assert things which the proposed system does not afford them the least grounds for. Presumptuous, indeed, must they be in the highest degree, if they suppose any will be so blind as to listen to the most palpable falsehoods, uttered by them. Their conduct seems to evince, that they harbour sentiments similar to those of the Romish priests, in countries where the common people have scarcely any knowledge of things wherein their interests are inseparably connected, and imbibe their principles wholly from what the priests think proper to inform them. But such artifices will not avail to practice upon the inhabitants of America; for here, almost all have some knowledge of government, derived from their own study and experience; and very few are so stupidly ignorant as to believe all that is circulated by minions and miscreants.

Section 3, of article III. provides, that Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except

during the life of the person attainted.—This section is truly republican in every sense of the expression, and is of itself fully adequate to proving that the members of the federal convention were actuated by principles the most liberal and free—this single section alone is sufficient to enroll their proceedings on the records of immortal fame.

Contrast this section with the laws of England, in regard to treason, and, notwithstanding the boasted rights of the subject in that isle, we shall find our own in this, as well as almost every other particular, far to exceed them.

Section 1, of article IV. says, full faith and credit shall be given in each state, to the publick acts, records and judicial proceedings of every other state. The benefit to be derived from such a regulation must be great, especially to those who are sometimes obliged to have recourse to law, for the settlement of their affairs.

Section 2, of article IV. provides, that the citizens of each state shall be intitled to all the privileges and immunities of citizens in the several states. This section must also be a source of much advantage to the inhabitants of the different states, who may have business to transact in various parts of the continent, as being equally intitled to the rights of citizenship in one as well as another.

They will find less difficulty in pursuing their various concerns than if it were otherwise.

In the same article, section 3, it is provided, That new states may be admitted into the Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any states be formed by the sanction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of Congress. This section can be opposed by none who have the peace and happiness of the states at heart; for, by this section, the designs of those who wish to effect the disunion of the states, in order to get themselves established in posts of honour and profit, are entirely defeated. The majority of the citizens of Massachusetts, in particular, will see the good effects to be derived from such a regulation. CASSIUS.

(*To be Continued.*)

CASSIUS, XI.

THE MASSACHUSETTS GAZETTE,

(Number 394)

TUESDAY. DECEMBER 25, 1787.

For the Massachusetts Gazette.

TO THE INHABITANTS OF THIS STATE.

(Concluded from our last.)

The 3d section, in article IV. also provides, that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States; and nothing in this constitution shall be construed as a prejudice to the claims of the United States, or any particular state.

There is not, certainly, anything contained in the aforementioned clause, which can be opposed on reasonable grounds. It is certainly necessary that Congress should have power to make all needful rules and regulations respecting the concerns of the Union; and if they exceed what is necessary, their regulations will be of no effect; for whatever is done by them, which the constitution does not warrant, is null and void, and can be no more binding on the inhabitants of America, than the edicts of the grand signior of Turkey.

You will remember, my countrymen, that the words of the constitution are, "All Powers Herein Granted."

Section 4, of article IV. says, The United States shall guarantee to every state in the Union a Republican Form of Govern-

ment; and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.—At the perusal of this clause, anti-federalism must blush, and opposition hide its head. Could anything have more openly, or more plainly evinced to the world, the noble motives which influenced the conduct of the delegates of America, than the clause aforementioned? it provides, that a republican form of government shall be guaranteed to each state in the Union. The inhabitants of America are surely acquainted with the principles of republicanism, and will certainly demand the establishment of them, in their fullest extent.

The section just mentioned, secures to us the full enjoyment of every thing which freemen hold dear, and provides for protecting us against every thing which they can dread.

This article, my countrymen, is sufficient to convince you of the excellency of that constitution which the federal convention have formed; a constitution founded on the broad basis of liberty, and, should the citizens of America happily concur in adopting it, its pillars may be as fixed as the foundations of created nature.

Say, ye mighty cavillers, ye inconsistent opposers of the new plan of government, of what avail, to the thinking part of the community, do you suppose will be all your clamours about a bill of rights? Does not the abovementioned section provide for the establishment of a free government in all the states? and if that freedom is encroached upon, will not the constitution be violated? It certainly will; and its violators be hurled from the seat of power, and arraigned before a tribunal where impartial justice will no doubt preside, to answer for their high-handed crime.

Article V. of the new constitution, says, That Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or on the application of the legislatures of two-thirds of the states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes, as part of the constitution, when ratified by the legislatures of three-fourths of the states, or by conven-

tions in three-fourths thereof; as one or the other modes of ratification may be proposed by Congress; provided that no amendments which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the senate.—

On what grounds can the opposers to the new plan found their assertions that Congress will have it in their power to make what laws they please, and what alterations they think proper in the constitution, after the people have adopted it? The constitution expressly says, that any alterations in the constitution must be ratified by three-fourths of the states. The 5th article also provides, that the states may propose any alterations which they see fit, and that Congress shall take measures for having them carried into effect.

If this article does not clearly demonstrate that all power is in the hands of the people, then the language by which we convey our ideas, is shockingly inadequate to its intended purposes, and as little to be understood by us, as Hebrew to the most illiterate.

The 6th section provides, that this constitution, and the laws which shall be made in pursuance thereof, and all treaties made, or which shall be made, in pursuance thereof, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

This is the article, my countrymen, which knaves and blockheads have so often dressed up in false colours, and requested your attention to the construction of it. Adopt not a constitution, say they, which stipulates that the laws of Congress shall be the supreme law of the land—or, in other words, they request of you not to obey laws of your own making. This is the article which they say is so arbitrary and tyrannical, that unless you have a bill of rights to secure you, you are ruined forever.

But in the name of common sense I would ask, of what use would be a bill of rights, in the present case? . . It can only be to resort to when it is supposed that Congress have infringed the

unalienable rights of the people: but would it not be much easier to resort to the federal constitution, to see if therein power is given to Congress to make the law in question? If such power is not given, the law is in fact a nullity, and the people will not be bound thereby. For let it be remembered, that such laws, and such only, as are founded on this constitution, are to be the supreme law of the land;—and it would be absurd indeed, if the laws which are granted in the constitution, were not to be, without reserve, the supreme law of the land. To give Congress power to make laws for the Union, and then to say they should not have force throughout the Union, would be glaringly inconsistent:—Such an inconsistency, however, has hitherto been the evil which the whole continent have complained of, and which the new constitution is designed to remedy.—Let us reverse the proposition, and see how it will then stand.—This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under their authority, shall not be the supreme law of the land—and the judges in the several states shall not be bound thereby.—This is exactly what the anti-federalists wish to be the case; this, and in this alone would they glory.—But, fellow citizens, you will discern the excellency of the aforementioned clause; you will perceive that it is calculated, wisely calculated, to support the dignity of this mighty empire, to restore publick and private credit, and national confidence.

Article IV. further provides, That the senators and representatives before mentioned, and the members of the several state legislatures and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or publick trust under the United States.

Thus, my fellow-citizens, we see that our rulers are to be bound by the most sacred ties, to support our rights and liberties, to secure to us the full enjoyment of every privilege which we can wish for; they are bound by the constitution to guarantee to us a republican form of government in its fullest extent; and what is there more that we can wish for?

Thus the people of the United States, "in order to form a more perfect Union, establish justice, insure domestick tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," have appointed a federal convention to "ordain and establish," with the concurrence of the people, a constitution for the United States of America. That federal convention have assembled together, and after a full investigation of the different concerns of the Union, have proposed a form of government, calculated to support, and transmit, inviolate, to the latest posterity, all the blessings of civil and religious liberty.

Citizens of Massachusetts! consider, O consider well, these important matters, and weigh them deliberately in the scale of reason! Consider at what a vast expense of toil, difficulty, treasure and blood, you have emancipated yourselves from the yoke of bondage, and established yourselves an independent people! Consider that those immortal characters, who first planned the event of the revolution, and with arms in their hands stepped forth in the glorious cause of human nature, have now devised a plan for supporting your freedom, and increasing your strength, your power and happiness.

Will you then, O my countrymen! listen to the mad dictates of men, who are aiming, by every artifice and falsehood, which the emissaries of hell can invent, to effect your total destruction and overthrow? who wish to ascend the chariot of anarchy, and ride triumphant over your smoking ruins, which they hope to effect, by their more than hellish arts: in your misery they hope to glory, and establish their own greatness "on their country's ruin."

If they can effect this, they will laugh at your calamity, and mock your misfortunes—the language of each brother in iniquity, when they meet, will be, "hail damn'd associates," see our high success!

Think, O my countrymen! think, before it is too late!—The important moment approaches, when these states must, by the most wise of all conduct, forever establish their glory and happiness, on the firmest basis, by adopting the constitution, or by the

most foolish and inconsistent of all conduct, in rejecting it, entail on themselves and on their posterity, endless infamy.

> "There is a tide in the affairs of men,
> Which taken at the flood, leads on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallowness."———

If you embrace not the golden moment now before you, and refuse to receive that which only can establish the dignity of your towering Eagle, this and generations yet unborn, will curse, with an anathema, your dying fame, and breathe, with imprecations and just indignation, vengeance and insults on your sleeping ashes! But should you, on the contrary, with energy and vigour, push your fortune, and, with earnestness and gratitude, clasp to your arms this great blessing which Heaven has pointed to your view, posterity, made happy by your wisdom and exertions, will honour and revere your memories. Secure in their prosperity, they will weep for joy, that Heaven had given them—Fathers!

CASSIUS.

THE LETTERS

OF

AGRIPPA.

ACCREDITED TO

JAMES WINTHROP,

AND PRINTED IN

THE MASSACHUSETTS GAZETTE,

NOVEMBER, 1787—JANUARY, 1788.

NOTE.

THE letters of Agrippa were the ablest anti-federal publications printed in Massachusetts, and showed especial ability in arguing the dangers and defects of a plan of government which was both so peculiarly needed, and so specially advantageous to the State of Massachusetts, that its adoption was only endangered by certain questions of local politics, which could not even enter into the discussion. They were noticed, or replied to, in the Massachusetts Gazette, Dec. 21, 1787, by "Charles James Fox;" Dec. 28, 1787, and Jan. 4, 1788, by "Kempis O'Flanagan," Jan. 22, and 25, 1788, by "Junius," and in the letters of Cassius, printed in this volume.

At the time of publication they were accredited to the pen of James Winthrop, of Cambridge, and he was repeatedly attacked as the author, without denying it; while his supposed authorship and general opposition to the Constitution contributed to defeat his election by Cambridge to the Massachusetts Convention for considering the proposed government, receiving only one vote in the whole town. On the contrary, the writer, in his tenth letter, states that the surmises as to the authorship are not correct, and in the Massachusetts Gazette of Dec. 21, 1787, the following appeared:

"I feel myself *greatly hurt* at the liberties lately taken by certain *scribblers* with the characters of the *hon.* E. Gerry and James Winthrop, *esquire*, of Cambridge, two gentlemen, no less distinguished for their *honesty*, *patriotism*, and *extensive abilities*, than a Washington or a Franklin.

* * * In regard to J. Winthrop, *esquire*, (of said Cambridge) it has been insinuated, that that gentleman is the author of the pieces in the Massachusetts Gazette, signed Agrippa—but every one who can *boast the pleasure of his acquaintance*, must *know that insinuation* is grounded on *falsehood.*

The heterogenous compound of nonsense and absurdity with which the compositions of *Agrippa* are so replete, are certainly not the productions of a man so *celebrated* for his superior knowledge and *understanding*.

In short, mr. Printer, I hope you and your brother typographers will be very careful how you are *guilty* of *exposing* such *exalted characters* in future. OCRICO.

AGRIPPA, I.

THE MASSACHUSETTS GAZETTE.

(Number 385)

FRIDAY, NOVEMBER 23, 1787.

For the Massachusetts Gazette.

TO THE PEOPLE.

Many inconveniences and difficulties in the new plan of government have been mentioned by different writers on that subject. Mr. Gerry has given the publick his objections against it, with a manly freedom.* The seceding members from the Pennsylvania Assembly also published theirs.† Various anonymous writers have mentioned reasons of great weight. Among the many objections have been stated the unlimited right of taxation—a standing army—an inadequate representation of the people—a right to destroy the constitution of the separate states, and all the barriers that have been set up in defence of liberty—the right to try causes between private persons in many cases without a jury; without trying in the vicinity of either party; and without any limitation of the value which is to be tried. To none of these or any other objections has any answer been given, but such as have acknowledged the truth of the objection while they insulted the objector. This conduct has much the appearance of trying to force a general sentiment upon the people.

The idea of promoting the happiness of the people by opposing

* Printed in *Elliot*, I, 492.—*Ed.*

† "An Address of the subscribers, members of the late Houses of Representatives of the Commonwealth of Pennsylvania, to their constituents," printed in the *Pennsylvania Packet*, Oct. 4, 1787.—*Ed.*

all their habits of business, and by subverting the laws to which they are habituated, appears to me to be at least a mistaken proceeding. If to this we add the limitations of trade, restraints on its freedom, and the alteration of its course, and *transfer of the market*, all under the pretence of regulation for *federal purposes*, we shall not find any additional reason to be pleased with the plan.

It is now conceded on all sides that the laws relating to civil causes were never better executed than at present. It is confessed by a warm federalist in answer to Mr. Gerry's sensible letter, that the courts are so arranged at present that no inconvenience is found, and that if the new plan takes place great difficulties may arise. With this confession before him, can any reasonable man doubt whether he shall exchange a system, found by experience to be convenient, for one that is in many respects inconvenient and dangerous? The expense of the new plan is terrifying, if there was no other objection. But they are multiplied. Let us consider that of the representation.

There is to be one representative for every thirty thousand people. Boston would nearly send one, but with regard to another there is hardly a county in the state which would have one. The representatives are to be chosen for two years. In this space, when it is considered that their residence is from two hundred to five hundred miles from their constituents, it is difficult to suppose that they will retain any great affection for the welfare of the people. They will have an army to support them, and may bid defiance to the clamours of their subjects. Should the people cry aloud the representative may avail himself of the right to alter the *time of election* and postpone it for another year. In truth, the question before the people is, *whether they will have a limited government or an absolute one?*

It is a fact justified by the experience of all mankind from the earliest antiquity down to the present time, that freedom is necessary to industry. We accordingly find that in absolute governments, the people, be the climate what it may, are general [sic] lazy, cowardly, turbulent, and vicious to an extreme. On the other hand, in free countries are found in general, activity, industry, arts, courage, generosity, and all the manly virtues.

Can there be any doubt which to choose? He that Hesitates must be base indeed.

A favourite objection against a free government is drawn from the irregularities of the Greek and Roman republicks. But it is to be considered that war was the employment which they considered as most becoming freemen. Agriculture, arts, and most domestick employment were committed chiefly to slaves. But Carthage, the great commercial republick of antiquity, though resembling Rome in the form of its government, and her rival for power, retained her freedom longer than Rome, and was never disturbed by sedition during the long period of her duration. This is a striking proof that the fault of the Greek and Roman republicks was not owing to the form of their government, and that the spirit of commerce is the great bond of union among citizens. This furnishes employment for their activity, supplies their mutual wants, defends the rights of property, and producing reciprocal dependencies, renders the whole system harmonious and energetick. Our great object therefore ought to be to encourage this spirit. If we examine the present state of the world we shall find that most of the business is done in the freest states, and that industry decreases in proportion to the rigour of government.

AGRIPPA.

AGRIPPA, II.

THE MASSACHUSETTS GAZETTE,

(Number 386)

TUESDAY, NOVEMBER 27, 1787.

For the Massachusetts Gazette.

TO THE PEOPLE OF MASSACHUSETTS.

In the Gazette of the 23d instant, I ascertained from the state of other countries and the experience of mankind, that free countries are most friendly to commerce and to the rights of property. This produces greater internal tranquility. For every man, finding sufficient employment for his active powers in the way of trade, agriculture and manufactures, feels no disposition to quarrel with his neighbour, nor with the government which protects him, and of which he is a constituent part. Of the truth of these positions we have abundant evidence in the history of our own country. Soon after the settlement of Massachusetts, and its formation into a commonwealth, in the earlier part of the last century, there was a sedition at Hingham and Weymouth. The governour passing by at that time with his guard, seized some of the mutineers and imprisoned them. This was complained of as a violation of their rights, and the governour lost his election the next year; but the year afterwards was restored and continued to be re-elected for several years. The government does not appear to have been disturbed again till the revocation of the charter in 1686, being a period of about half a century.

Connecticut set out originally on the same principles, and has

continued uniformly to exercise the powers of government to this time.

During the last year,* we had decisive evidences of the vigour of this kind of government. In Connecticut, the treason was restrained while it existed only in the form of conspiracy. In Vermont, the conspirators assembled in arms, but were suppressed by the exertions of the militia, under the direction of their sheriffs. In New-Hampshire, the attack was made on the legislature, but the insurrection was in a very few hours suppressed, and has never been renewed. In Massachusetts, the danger was by delay suffered to increase. One judicial court after another was stopped, and even the capital trembled. Still, however, when the supreme executive gave the signal, a force of many thousands of active, resolute men, took the field, during the severities of winter, and every difficulty vanished before them. Since that time we have been continually coalescing. The people have applied with diligence to their several occupations, and the whole country wears one face of improvement. Agriculture has been improved, manufactures multiplied, and trade prodigiously enlarged. These are the advantages of freedom in a growing country. While our resources have been thus rapidly increasing, the courts have set in every part of the commonwealth, without any guard to defend them; have tried causes of every kind, whether civil or criminal, and the sheriffs, have in no case been interrupted in the execution of their office. In those cases indeed, where the government was more particularly interested, mercy has been extended; but in civil causes, and in the case of moral offences, the law has been punctually executed. Damage done to individuals, during the tumults, has been repaired, by judgment of the courts of law, and the award has been carried into effect. This is the present state of affairs, when we are asked to relinquish that freedom which produces such happy effects.

The attempt has been made to deprive us of such a beneficial system, and to substitute a rigid one in its stead, by criminally alarming our fears, exalting certain characters on one side, and villifying them on the other. I wish to say nothing of the merits

* Referring to Shay's rebellion.—*Ed.*

or demerits of individuals; such arguments always do hurt. But assuredly my countrymen cannot fail to consider and determine who are the most worthy of confidence in a business of this magnitude.

Whether they will trust persons, who have from their cradles been incapable of comprehending any other principles of government, than those of absolute power, and who have, in this very affair, tried to deprive them of their constitutional liberty, by a pitiful trick. They cannot avoid prefering those who have uniformly exerted themselves to establish a limited government, and to secure to individuals all the liberty that is consistent with justice, between man and man, and whose efforts, by the smiles of Providence, have hitherto been crowned with the most splendid success. After the treatment we have received, we have a right to be jealous, and to guard our present constitution with the strictest care. It is the right of the people to judge, and they will do wisely to give an explicit instruction to their delegates in the proposed convention, not to agree to any proposition that will in any degree militate with that happy system of government under which Heaven has placed them.

AGRIPPA.

November 24, 1787.

AGRIPPA, III.

THE MASSACHUSETTS GAZETTE,

(Number 387)

FRIDAY, NOVEMBER 30, 1787.

For the Massachusetts Gazette.

TO THE PEOPLE:

It has been proved from the clearest evidence, in two former papers, that a free government, I mean one in which the power frequently returns to the body of the people, is in principle the most stable and efficient of any kind; that such a government affords the most ready and effectual remedy for all injuries done to persons and the rights of property. It is true we have had a tender act.* But what government has not some law in favour of debtors? The difficulty consists in finding one that is not more unfriendly to the creditors than ours. I am far from justifying such things. On the contrary, I believe that it is universally true, that acts made to favour a part of the community are wrong in principle. All that is now intended is, to remark that we are not worse than other people in that respect which we most condemn. Probably the inquiry will be made, whence the complaints arise. This is easily answered. Let any man look round his own neighbourhood, and see if the people are not, with a very few exceptions, peaceable and attached to the government; if the country had ever within their knowledge more appearance of industry, improvement and tranquillity; if there was ever more of

* Act of 1786, providing that executions issued for private debt may be satisfied by articles particularly enumerated, at an appraised value from impartial men.—*Ed.*

the produce of all kinds together for the market; if their stock does not rapidly increase; if there was ever a more ready vent for their surplus; and if the average of prices is not about as high as was usual in a plentiful year before the war. These circumstances all denote a general prosperity. Some classes of citizens indeed suffer greatly. Two descriptions I at present recollect. The publick creditors form the first of these classes, and they ought to, and will be provided for.

Let us for a moment consider their situation and prospects. The embarrassments consequent upon a war, and the usual reduction of prices immediately after a war, necessarily occasioned a want of punctuality in publick payments. Still, however, the publick debt has been very considerably reduced, not by the dirty and delusive scheme of depreciation, but the nominal sum. Applications are continually making for purchases in our eastern and western lands. Great exertions are making for clearing off the arrears of outstanding taxes, so that the certificates* for interest on the state debt have considerably increased in value. This is a certain indication of returning credit. Congress this year disposed of a large tract of their lands towards paying the principal of their debt.† Pennsylvania has discharged the whole of their part of the continental debt. New York has nearly cleared its state debt, and has located a large part of their new lands towards paying the continental demands.‡ Other states have made considerable payments. Every day from these considerations the publick ability and inclination to satisfy their creditors increases. The exertions of last winter were as much to support public as private credit. The prospect therefore of the publick creditors is brightening under the present system. If the new system should take effect without amendments, which however is hardly probable, the increase of expense will be death

* No attempt had been made by Massachusetts for several years to pay the interest on its debt, except by the State Treasurer's issuing "consolidated notes" or "certificates" of indebtedness, bearing 6 per cent. interest. Though these were by law receivable for taxes, they had sold as low as 4/ in the pound.—*Ed.*

† The sales to the Ohio Company.—*Ed.*

‡ By Act of July 5, 1786.—*Ed.*

to the hopes of all creditors, both of the continental and of the state. With respect, however, to our publick delays of payment we have the precedent of the best established countries in Europe.

The other class of citizens to which I alluded was the ship-carpenters. All agree that their business is dull; but as nobody objects against a system of commercial regulations for the whole continent, that business may be relieved without subverting all the ancient foundations and laws which have the respect of the people. It is a very serious question whether giving to Congress the unlimited right to regulate trade would not injure them still further. It is evidently for the interest of the state to encourage our own trade as much as possible. But in a very large empire, as the whole states consolidated must be, there will always be a desire of the government to increase the trade of the capital, and to weaken the extremes. We should in that case be one of the extremes, and should feel all the impoverishment incident to that situation. Besides, a jealousy of our enterprising spirit, would always be an inducement to cramp our exertions. We must then be impoverished or we must rebel. The alternative is dreadful.

At present this state is one of the most respectable and one of the most influential in the union. If we alone should object to receiving the system without amendments, there is no doubt but it would be amended. But the case is not quite so bad. New-York appears to have no disposition even to call a convention. If they should neglect, are we to lend our assistance to compel them by arms, and thus to kindle a civil war without any provocation on their part? Virginia has put off their convention till May, and appears to have no disposition to receive the new plan without amendments. Pennsylvania does not seem to be disposed to receive it as it is. The same objections are made in all the states, that the civil government which they have adopted and which secures their rights will be subverted. All the defenders of this system undertake to prove that the rights of the states and of the citizens are kept safe. The opposers of it agree that they will receive the least burdensome system which shall defend those rights.

Both parties therefore found their arguments on the idea that these rights ought to be held sacred. With this disposition is it not in every man's mind better to recommit it to a new convention, or to Congress, which is a regular convention for the purpose, and to instruct our delegates to confine the system to the general purposes of the union, than the endeavour to force it through in its present form, and with so many opposers as it must have in every state on the continent? The case is not of such pressing necessity as some have represented. Europe is engaged, and we are tranquil. Never therefore was an happier time for deliberation. The supporters of the measure are by no means afraid of insurrections taking place, but they are afraid that the present government will prove superiour to their assaults.

AGRIPPA.

AGRIPPA, IV.

THE MASSACHUSETTS GAZETTE,

(Number 388)

TUESDAY, DECEMBER 3, 1787.

TO THE PEOPLE.

Having considered some of the principal advantages of the happy form of government under which it is our peculiar good fortune to live, we find by experience, that it is the best calculated of any form hitherto invented, to secure to us the rights of our persons and of our property, and that the general circumstances of the people shew an advanced state of improvement never before known. We have found the shock given by the war, in a great measure obliterated, and the public debt contracted at that time to be considerably reduced in the nominal sum. The Congress lands are full adequate to the redemption of the principal of their debt, and are selling and populating very fast. The lands of this state, at the west, are, at the moderate price of eighteen pence an acre, worth near half a million pounds in our money. They ought, therefore, to be sold as quick as possible. An application was made lately for a large tract at that price, and continual applications are made for other lands in the eastern part of the state. Our resources are daily augmenting.

We find, then, that after the experience of near two centuries our separate governments are in full vigor. They discover, for all the purposes of internal regulation, every symptom of strength, and none of decay. The new system is, therefore, for such purposes, useless and burdensome.

Let us now consider how far it is practicable consistent with the happiness of the people and their freedom. It is the opinion of the ablest writers on the subject, that no extensive empire can be governed upon republican principles, and that such a government will degenerate to a despotism, unless it be made up of a confederacy of smaller states, each having the full powers of internal regulation. This is precisely the principle which has hitherto preserved our freedom. No instance can be found of any free government of considerable extent which has been supported upon any other plan. Large and consolidated empires may indeed dazzle the eyes of a distant spectator with their splendour, but if examined more nearly are always found to be full of misery. The reason is obvious. In large states the same principles of legislation will not apply to all the parts. The inhabitants of warmer climates are more dissolute in their manners, and less industrious, than in colder countries. A degree of severity is, therefore, necessary with one which would cramp the spirit of the other. We accordingly find that the very great empires have always been despotick. They have indeed tried to remedy the inconveniences to which the people were exposed by local regulations; but these contrivances have never answered the end. The laws not being made by the people, who felt the inconveniences, did not suit their circumstances. It is under such tyranny that the Spanish provinces languish, and such would be our misfortune and degradation, if we should submit to have the concerns of the whole empire managed by one legislature. To promote the happiness of the people it is necessary that there should be local laws; and it is necessary that those laws should be made by the representatives of those who are immediately subject to the want of them. By endeavouring to suit both extremes, both are injured.

It is impossible for one code of laws to suit Georgia and Massachusetts. They must, therefore, legislate for themselves. Yet there is, I believe, not one point of legislation that is not surrendered in the proposed plan. Questions of every kind respecting property are determinable in a continental court, and so are all kinds of criminal causes. The continental legislature

has, therefore, a right to make rules in all cases by which their judicial courts shall proceed and decide causes. No rights are reserved to the citizens. The laws of Congress are in all cases to be the supreme law of the land, and paramount to the constitutions of the individual states. The Congress may institute what modes of trial they please, and no plea drawn from the constitution of any state can avail. This new system is, therefore, a consolidation of all the states into one large mass, however diverse the parts may be of which it is to be composed. The idea of an uncompounded republick, on an average one thousand miles in length, and eight hundred in breadth, and containing six millions of white inhabitants all reduced to the same standard of morals, of habits, and of laws, is in itself an absurdity, and contrary to the whole experience of mankind. The attempt made by Great Britain to introduce such a system, struck us with horrour, and when it was proposed by some theorist that we should be represented in parliament, we uniformly declared that one legislature could not represent so many different interests for the purposes of legislation and taxation. This was the leading principle of the revolution, and makes an essential article in our creed. All that part, therefore, of the new system, which relates to the internal government of the states, ought at once to be rejected.

AGRIPPA.

AGRIPPA, V.

THE MASSACHUSETTS GAZETTE.

(Number 390)

TUESDAY, DECEMBER 11, 1787.

For the Massachusetts Gazette.

TO THE PEOPLE.

In the course of inquiry it has appeared, that for the purposes of internal regulation and domestick tranquillity, our small and separate governments are not only admirably suited in theory, but have been remarkably successful in practice. It is also found, that the direct tendency of the proposed system, is to consolidate the whole empire into one mass, and, like the tyrant's bed, to reduce all to one standard. Though this idea has been started in different parts of the continent, and is the most important trait of this draft, the reasoning ought to be extensively understood. I therefore hope to be indulged in a particular statement of it.

Causes of all kinds, between citizens of different states, are to be tried before a continental court. This court is not bound to try it according to the local laws where the controversies happen; for in that case it may as well be tried in a state court. The rule which is to govern the new courts, must, therefore, be made by the court itself, or by its employers, the Congress. If by the former, the legislative and judicial departments will be blended; and if by the Congress, though these departments will be kept separate, still the power of legislation departs from the state in all those cases. The Congress, therefore, have the right to make rules for trying all kinds of questions relating to property between

citizens of different states. The sixth article of the new constitution provides, that the continental laws shall be the supreme law of the land, and that all judges in the separate states shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding. All the state officers are also bound by oath to support this constitution. These provisions cannot be understood otherwise than as binding the state judges and other officers, to execute the continental laws in their own proper departments within the state. For all questions, other than those between citizens of the same state, are at once put within the jurisdiction of the continental courts. As no authority remains to the state judges, but to decide questions between citizens of the same state, and those judges are to be bound by the laws of Congress, it clearly follows, that all questions between citizens of the same state are to be decided by the general laws and not by the local ones.

Authority is also given to the continental courts, to try all causes between a state and its own citizens. A question of property between these parties rarely occurs. But if such questions were more frequent than they are, the proper process is not to sue the state before an higher authority; but to apply to the supreme authority of the state, by way of petition. This is the universal practice of all states, and any other mode of redress destroys the sovereignty of the state over its own subjects. The only case of the kind in which the state would probably be sued, would be upon the state notes. The endless confusion that would arise from making the estates of individuals answerable, must be obvious to every one.

There is another sense in which the clause relating to causes between the state and individuals is to be understood, and it is more probable than the other, as it will be eternal in its duration, and increasing in its extent. This is the whole branch of the law relating to criminal prosecutions. In all such cases, the state is plaintiff, and the person accused is defendant. The process, therefore, will be, for the attorney-general of the state to commence his suit before a continental court. Considering the state as a party, the cause must be tried in another, and all the expense

of transporting witnesses incurred. The individual is to take his trial among strangers, friendless and unsupported, without its being known whether he is habitually a good or a bad man; and consequently with one essential circumstance wanting by which to determine whether the action was performed maliciously or accidentally. All these inconveniences are avoided by the present important restriction, that the cause shall be tried by a jury of the vicinity, and tried in the county where the offence was committed. But by the proposed *derangement*, I can call it by no softer name, a man must be ruined to prove his innocence. This is far from being a forced construction of the proposed form. The words appear to me not intelligible, upon the idea that it is to be a *system* of government, unless the construction now given, both for civil and criminal processes, be admitted. I do not say that it is intended that all these changes should take place within one year, but they probably will in the course of half a dozen years, if this system is adopted. In the meantime we shall be subject to all the horrors of a divided sovereignty, not knowing whether to obey the Congress or the State. We shall find it impossible to please two masters. In such a state frequent broils will ensue. Advantage will be taken of a popular commotion, and even the venerable forms of the state be done away, while the new system will be enforced in its utmost rigour by an army.—I am the more apprehensive of a standing army, on account of a clause in the new constitution which empowers Congress to keep one at all times; but this constitution is evidently such that it cannot stand any considerable time without an army. Upon this principle one is very wisely provided. Our present government knows of no such thing. AGRIPPA.

AGRIPPA, VI.

THE MASSACHUSETTS GAZETTE.

(Number 391)

FRIDAY, DECEMBER 14, 1787.

For the Massachusetts Gazette.

TO THE PEOPLE.

To prevent any mistakes, or misapprehensions of the argument, stated in my last paper, to prove that the proposed constitution is an actual consolidation of the separate states into one extensive commonwealth, the reader is desired to observe, that in the course of the argument, the new plan is considered as an entire system. It is not dependent on any other book for an explanation, and contains no references to any other book. All the defences of it, therefore, so far as they are drawn from the state constitutions, or from maxims of the common law, are foreign to the purpose. It is only by comparing the different parts of it together, that the meaning of the whole is to be understood. For instance—

We find in it, that there is to be a legislative assembly, with authority to constitute courts for the trial of all kinds of civil causes, between citizens of different states. The right to appoint such courts necessarily involves in it the right of defining their powers, and determining the rules by which their judgment shall be regulated; and the grant of the former of those rights is nugatory without the latter. It is vain to tell us, that a maxim of common law requires contracts to be determined by the law existing where the contract was made: for it is also a maxim, that the legislature has a right to alter the common law. Such a power forms an essential part of legislation. Here, then, a de-

claration of rights is of inestimable value. It contains those principles which the government never can invade without an open violation of the compact between them and the citizens. Such a declaration ought to have come to the new constitution in favour of the legislative rights of the several states, by which their sovereignty over their own citizens within the state should be secured. Without such an express declaration the states are annihilated in reality upon receiving this constitution—the forms will be preserved only during the pleasure of Congress.

The idea of consolidation is further kept up in the right given to regulate trade. Though this power under certain limitations would be a proper one for the department of Congress; it is in this system carried much too far, and much farther than is necessary. This is, without exception, the most commercial state upon the continent. Our extensive coasts, cold climate, small estates, and equality of rights, with a variety of subordinate and concurring circumstances, place us in this respect at the head of the Union. We must, therefore, be indulged if a point which so nearly relates to our welfare be rigidly examined. The new constitution not only prohibits vessels, bound from one state to another, from paying any duties, but even from entering and clearing. The only use of such a regulation is, to keep each state in complete ignorance of its own resources. It certainly is no hardship to enter and clear at the custom house, and the expense is too small to be an object.

The unlimited right to regulate trade, includes the right of granting exclusive charters. This, in all old countries, is considered as one principal branch of prerogative. We find hardly a country in Europe which has not felt the ill effects of such a power. Holland has carried the exercise of it farther than any other state, and the reason why that country has felt less evil from it is, that the territory is very small, and they have drawn large revenues from their colonies in the East and West Indies. In this respect, the whole country is to be considered as a trading company, having exclusive privileges. The colonies are large in proportion to the parent state; so that, upon the whole, the latter may gain by such a system. We are also to take into

consideration the industry which the genius of a free government inspires. But in the British islands all these circumstances together have not prevented them from being injured by the monopolies created there. Individuals have been enriched, but the country at large has been hurt. Some valuable branches of trade being granted to companies, who transact their business in London, that city is, perhaps, the place of the greatest trade in the world. But Ireland, under such influence, suffers exceedingly, and is impoverished; and Scotland is a mere bye-word. Bristol, the second city in England, ranks not much above this town in population. These things must be accounted for by the incorporation of trading companies; and if they are felt so severely in countries of small extent, they will operate with tenfold severity upon us, who inhabit an immense tract; and living towards one extreme of an extensive empire, shall feel the evil, without retaining that influence in government, which may enable us to procure redress. There ought, then, to have been inserted a restraining clause which might prevent the Congress from making any such grant, because they consequentially defeat the trade of the out-ports, and are also injurious to the general commerce, by enhancing prices and destroying that rivalship which is the great stimulus to industry.

AGRIPPA.

AGRIPPA, VII.

THE MASSACHUSETTS GAZETTE,

(Number 392)

TUESDAY, DECEMBER 18, 1787.

For the Massachusetts Gazette.

TO THE PEOPLE.

There cannot be a doubt, that, while the trade of this continent remains free, the activity of our countrymen will secure their full share. All the estimates for the present year, let them be made by what party they may, suppose the balance of trade to be largely in our favour. The credit of our merchants is, therefore, fully established in foreign countries. This is a sufficient proof, that when business is unshackled, it will find out that channel which is most friendly to its course. We ought, therefore, to be exceedingly cautious about diverting or restraining it. Every day produces fresh proofs, that people, under the immediate pressure of difficulties, do not, at first glance, discover the proper relief. The last year, a desire to get rid of embarrassments induced many honest people to agree to a tender act, and many others, of a different description, to obstruct the courts of justice. Both these methods only increased the evil they were intended to cure. Experience has since shown that, instead of trying to lessen an evil by altering the present course of things, that every endeavor should have been applied to facilitate the course of law, and thus to encourage a mutual confidence among the citizens, which increases the resources of them all, and renders easy the payment of debts. By this means one does not grow rich at the expense of another, but all are benefited. The case is the same with the

States. Pennsylvania, with one port and a large territory, is less favourably situated for trade than the Massachusetts, which has an extensive coast in proportion to its limits of jurisdiction. Accordingly a much larger proportion of our people are engaged in maritime affairs. We ought therefore to be particularly attentive to securing so great an interest. It is vain to tell us that we ought to overlook local interests. It is only by protecting local concerns that the interest of the whole is preserved. No man when he enters into society does it from a view to promote the good of others, but he does it for his own good. All men having the same view are bound equally to promote the welfare of the whole. To recur then to such a principle as that local interests must be disregarded, is requiring of one man to do more than another, and is subverting the foundation of a free government. The Philadelphians would be shocked with a proposition to place the seat of general government and the unlimited right to regulate trade in the Massachusetts. There can be no greater reason for our surrendering the preference to them. Such sacrifices, however we may delude ourselves with the form of words, always originate in folly, and not in generosity.

Let me now request your attention a little while to the actual state of publick credit, that we may see whether it has not been as much misrepresented as the state of our trade.

At the beginning of the present year, the whole continental debt was about twelve millions of pounds in our money. About one-quarter part of this sum was due to our foreign creditors. Of these France was the principal, and called for the arrears of interest. A new loan of one hundred and twenty thousand pounds was negotiated in Holland, at five per cent., to pay the arrears due to France. At first sight this has the appearance of bad economy, and has been used for the villainous purpose of disaffecting the people. But in the course of this same year, Congress have negotiated the sale of as much of their western lands on the Ohio and Mississippi, as amount nearly to the whole sum of the foreign debt; and instead of a dead loss by borrowing money at five per cent. to the amount of an hundred and twenty thousand pounds in one sum, they make a saving of the interest

at six per cent. on three millions of their domestick debt, which is an annual saving of an hundred and eighty thousand pounds. It is easy to see how such an immense fund as the western territory may be applied to the payment of the foreign debt. Purchasers of the land would as willingly procure any kind of the produce of the United States as they would buy loan office certificates to pay for the land. The produce thus procured would easily be negotiated for the benefit of our foreign creditors. I do not mean to insinuate that no other provision should be made for our creditors, but only to shew that our credit is not so bad in other countries as has been represented, and that our resources are fully equal to the pressure.

The perfection of government depends on the equality of its operation, as far as human affairs will admit, upon all parts of the empire, and upon all the citizens. Some inequalities indeed will necessarily take place. One man will be obliged to travel a few miles further than another man to procure justice. But when he has travelled, the poor man ought to have the same measure of justice as the rich one. Small enqualities [sic] may be easily compensated. There ought, however, to be no inequality in the law itself, and the government ought to have the same authority in one place as in another. Evident as this truth is, the most plausible argument in favour of the new plan is drawn from the inequality of its operation in different states. In Connecticut, they have been told that the bulk of the revenue will be raised by impost and excise, and, therefore, they need not be afraid to trust Congress with the power of levying a dry tax at pleasure. New York and Massachusetts are both more commercial states than Connecticut. The latter, therefore, hopes that the other two will pay the bulk of the continental expense. The argument is, in itself, delusive. If the trade is not over-taxed, the consumer pays it. If the trade is over-taxed, it languishes, and by the ruin of trade the farmer loses his market. The farmer has, in truth, no other advantage from imposts than that they save him the trouble of collecting money for the government. He neither gets nor loses money by changing the mode of taxation. The government indeed finds it the easiest way to raise the revenue; and the

reason is that the tax is by this means collected where the money circulates most freely. But if the argument was not delusive, it ought to conclude against the plan, because it would prove the unequal operation of it; and if any saving is to be made by the mode of taxing, the saving should be applied towards our own debt, and not to the payment of that part of the continental burden which Connecticut ought to discharge. It would be impossible to refute in writing all the delusions made use of to force this system through. Those respecting the publick debt, and the benefit of imposts, are the most important, and these I have taken pains to explain. In one instance, indeed, the impost does raise money at the direct expense of the seaports. This is when goods are imported subject to a duty, and re-exported without a drawback. Whatever benefit is derived from this source, surely should not be transferred to another state, at least till our own debts are cleared.

Another instance of unequal operation is, that it establishes different degrees of authority in different states, and thus creates different interests. The lands in New Hampshire having been formerly granted by this state, and afterwards by that state, to private persons, the whole authority of trying titles becomes vested in a continental court, and that state loses a branch of authority, which the others retain, over their own citizens.

I have now gone through two parts of my argument, and have proved the efficiency of the state governments for internal regulation, and the disadvantages of the new system, at least some of the principal. The argument has been much longer than I at first apprehended, or possibly I should have been deterred from it. The importance of the question has, however, prevented me from relinquishing it. AGRIPPA.

AGRIPPA, VIII.

THE MASSACHUSETTS GAZETTE,

(Number 394)

TUESDAY, DECEMBER 25, 1787.

For the Massachusetts Gazette.

TO THE PEOPLE.

It has been proved, by indisputable evidence, that power is not the grand principle of union among the parts of a very extensive empire; and that when this principle is pushed beyond the degree necessary for rendering justice between man and man, it debases the character of individuals, and renders them less secure in their persons and property. Civil liberty consists in the consciousness of that security, and is best guarded by political liberty, which is the share that every citizen has in the government. Accordingly all our accounts agree, that in those empires which are commonly called despotick, and which comprehend by far the greatest part of the world, the government is most fluctuating, and property least secure. In those countries insults are borne by the sovereign, which, if offered to one of our governours, would fill us with horrour, and we should think the government dissolving.

The common conclusion from this reasoning is an exceedingly unfair one, that we must then separate, and form distinct confederacies. This would be true if there was no principle to substitute in the room of power. Fortunately there is one. This is commerce. All the states have local advantages, and in a considerable degree separate interests. They are, therefore, in a situation to supply each other's wants. Carolina, for instance, is inhabited by planters, while the Massachusetts is more engaged

in commerce and manufactures. Congress has the power of deciding their differences. The most friendly intercourse may therefore be established between them. A diversity of produce, wants and interests, produces commerce; and commerce, where there is a common, equal and moderate authority to preside, produces friendship.

The same principles apply to the connection with the new settlers in the west. Many supplies they want for which they must look to the older settlements, and the greatness of their crops enables them to make payments. Here, then, we have a bond of union which applies to all parts of the empire, and would continue to operate if the empire comprehended all America.

We are now, in the strictest sense of the terms, a federal republick. Each part has within its own limits the sovereignty over its citizens, while some of the general concerns are committed to Congress. The complaints of the deficiency of the Congressional powers are confined to two articles. They are not able to raise a revenue by taxation, and they have not a complete regulation of the intercourse between us and foreigners. For each of these complaints there is some foundation, but not enough to justify the clamour which has been raised. Congress, it is true, owes a debt which ought to be paid. A considerable part of it has been paid. Our share of what remains would annually amount to about sixty or seventy thousand pounds. If, therefore, Congress were put in possession of such branches of the impost as would raise this sum in our state, we should fairly be considered as having done our part towards their debt; and our remaining resources, whether arising from impost, excise, or dry tax, might be applied to the reduction of our own debt. The principal of this last amounts to about thirteen hundred thousand pounds, and the interest to between seventy or eighty thousand. This is, surely, too much property to be sacrificed; and it is as reasonable that it should be paid as the continental debt. But if the new system should be adopted, the whole impost, with an unlimited claim to excise and dry tax, will be given to Congress. There will remain no adequate found for the state debt, and the state will still be subject to be sued on their notes. This is, then, an article which

ought to be limited. We can, without difficulty, pay as much annually as shall clear the interest of our state debt, and our share of the interest on the continental one. But if we surrender the impost, we shall still, by this new constitution, be held to pay our full proportion of the remaining debt, as if nothing had been done. The impost will not be considered as being paid by this state, but by the continent. The federalists, indeed, tell us that the state debts will all be incorporated with the continental debt, and all paid out of one fund. In this as in all other instances, they endeavour to support their scheme of consolidation by delusion. Not one word is said in the book in favour of such a scheme, and there is no reason to think it true. Assurances of that sort are easily given, and as easily forgotten. There is an interest in forgetting what is false. No man can expect town debts to be united with that of the state; and there will be as little reason to expect that the state and continental debts will be united together.

AGRIPPA.

AGRIPPA, IX.

THE MASSACHUSETTS GAZETTE.

(Number 395)

FRIDAY, DECEMBER 28, 1787.

For the Massachusetts Gazette.

TO THE PEOPLE.

We come now to the second and last article of complaint against the present confederation, which is, that Congress has not the sole power to regulate the intercourse between us and foreigners. Such a power extends not only to war and peace, but to trade and naturalization. This last article ought never to be given them; for though most of the states may be willing for certain reasons to receive foreigners as citizens, yet reasons of equal weight may induce other states, differently circumstanced, to keep their blood pure. Pennsylvania has chosen to receive all that would come there. Let any indifferent person judge whether that state in point of morals, education, energy is equal to any of the eastern states; the small state of Rhode Island only excepted. Pennsylvania in the course of a century has acquired her present extent and population at the expense of religion and good morals. The eastern states have, by keeping separate from the foreign mixtures, acquired their present greatness in the course of a century and an half, and have preserved their religion and morals. They have also preserved that manly virtue which is equally fitted for rendering them respectable in war, and industrious in peace.

The remaining power for peace and trade might perhaps be safely enough lodged with Congress under some limitations.

Three restrictions appear to me to be essentially necessary to preserve that equality of rights to the states, which it is the object of the state governments to secure to each citizen. 1st. It ought not to be in the power of Congress, either by treaty or otherwise, to alienate part of any state without the consent of the legislature. 2d. They ought not to be able, by treaty or other law, to give any legal preference to one part above another. 3d. They ought to be restrained from creating any monopolies. Perhaps others may propose different regulations and restrictions. One of these is to be found in the old confederation, and another in the newly proposed plan. The third scenes [sic] to be equally necessary.

After all that has been said and written on this subject, and on the difficulty of amending our old constitution so as to render it adequate to national purposes, it does not appear that any thing more was necessary to be done, than framing two new articles. By one a limited revenue would be given to Congress with a right to collect it, and by the other a limited right to regulate our intercourse with foreign nations. By such an addition we should have preserved to each state its power to defend the rights of the citizens, and the whole empire would be capable of expanding and receiving additions without altering its former constitution. Congress, at the same time, by the extent of their jurisdiction, and the number of their officers, would have acquired more respectability at home, and a sufficient influence abroad. If any state was in such a case to invade the rights of the Union, the other states would join in defence of those rights, and it would be in the power of Congress to direct the national force to that object. But it is certain that the powers of Congress over the citizens should be small in proportion as the empire is extended; that, in order to preserve the balance, each state may supply by energy what is wanting in numbers. Congress would be able by such a system as we have proposed to regulate trade with foreigners by such duties as should effectually give the preference to the produce and manufactures of our own country. We should then have a friendly intercourse established between the states, upon the principles of mutual interest. A

moderate duty upon foreign vessels would give an advantage to our own people, while it would avoid all the disadvantages arising from a prohibition, and the consequent deficiency of vessels to transport the produce of the southern states.

Our country is at present upon an average a thousand miles long from north to south, and eight hundred broad from the Mississippi to the Ocean. We have at least six millions of white inhabitants, and the annual increase is about two hundred and fifty thousand souls, exclusive of emigrants from Europe. The greater part of our increase is employed in settling the new lands, while the older settlements are entering largely into manufactures of various kinds. It is probable that the extraordinary exertions of this state in the way of industry for the present year only, exceed in value five hundred thousand pounds. The new settlements, if all made in the same tract of country, would form a large state annually; and the time seems to be literally accomplished when a nation shall be born in a day. Such an immense country is not only capable of yielding all the produce of Europe, but actually does produce by far the greater part of the raw materials. The restrictions on our trade in Europe, necessarily oblige us to make use of those materials, and the high price of labour operates as an encouragement to mechanical improvements. In this way we daily make rapid advancements towards independence in resources as well as in empire. If we adopt the new system of government we shall, by one rash vote, lose the fruit of the toil and expense of thirteen years, at the time when the benefits of that toil and expense are rapidly increasing. Though the imposts of Congress on foreign trade may tend to encourage manufactures, the excise and dry tax will destroy all the beneficial effects of the impost, at the same time that they diminish our capital. Be careful then to give only a limited revenue, and the limited power of managing foreign concerns. Once surrender the rights of internal legislation and taxation, and instead of being respected abroad, foreigners will laugh at us, and posterity will lament our folly.

AGRIPPA.

AGRIPPA, X.

THE MASSACHUSETTS GAZETTE,

(Number 396)

TUESDAY, JANUARY 1, 1788.

For the Massachusetts Gazette.

TO THE PEOPLE.

Friends and Brethren,

It is a duty incumbent on every man, who has had opportunities for inquiry, to lay the result of his researches on any matter of publick importance before the publick eye. No further apology will be necessary with the generality of my readers, for having so often appeared before them on the subject of the lately proposed form of government. It has been treated with that freedom which is necessary for the investigation of truth, and with no greater freedom. On such a subject, extensive in its nature, and important in its consequences, the examination has necessarily been long, and the topicks treated of have been various. We have been obliged to take a cursory, but not inaccurate view of the circumstances of mankind under the different forms of government to support the different parts of our argument. Permit me now to bring into one view the principal propositions on which the reasoning depends.

It is shewn from the example of the most commercial republick of antiquity, which was never disturbed by a sedition for above seven hundred years, and at last yielded after a violent struggle to a foreign enemy, as well as from the experience of our own country for a century and an half, that the republican,

more than any other form of government is made of durable materials. It is shewn from a variety of proof, that one consolidated government is inapplicable to a great extent of country; is unfriendly to the rights both of persons and property, which rights always adhere together; and that being contrary to the interest of the extreme of an empire, such a government can be supported only by power, and that commerce is the true bond of union for a free state. It is shewn from a comparison of the different parts of the proposed plan, that it is such a consolidated government.

By article 3, section 2, Congress are empowered to appoint courts with authority to try civil causes of every kind, and even offences against particular states. By the last clause of Article 1, section 8, which defines their legislative powers, they are authorised to make laws for carrying into execution all the "powers vested by this constitution in the government of the United States, or in *any department* or officer thereof;" and by article 6, the judges in every state are to be bound by the laws of Congress. It is therefore a complete consolidation of all the states into one, however diverse the parts of it may be. It is also shewn that it will operate unequally in the different states, taking from some of them a greater share of wealth; that in this last respect it will operate more to the injury of this commonwealth than of any state in the union; and that by reason of its inequality it is subversive of the principles of a free government, which requires every part to contribute an equal proportion. For all these reasons this system ought to be rejected, even if no better plan was proposed in the room of it. In case of a rejection we must remain as we are, with trade extending, resources opening, settlements enlarging, manufactures increasing, and publick debts diminishing by fair payment. These are mighty blessings, and not to be lost by the hasty adoption of a new system. But great as these benefits are, which we derive from our present system, it has been shewn, that they may be increased by giving Congress a limited power to regulate trade, and assigning to them those branches of the impost on our foreign trade only, which shall be equal to our proportion of their present annual demands. While

the interest is thus provided for, the sale of our lands in a very few years will pay the principal, and the other resources of the state will pay our own debt. The present mode of assessing the continental tax is regulated by the extent of landed property in each state. By this rule the Massachusetts [sic] has to pay one eighth. If we adopt the new system, we shall surrender the whole of our impost and excise, which probably amount to a third of those duties of the whole continent, and must come in for about a sixth part of the remaining debt. By this means we shall be deprived of the benefit arising from the largeness of our loans to the continent, shall lose our ability to satisfy the just demands on the state. Under the limitations of revenue and commercial regulation contained in these papers, the balance will be largely in our favour; the importance of the great states will be preserved, and the publick creditors both of the continent and state will be satisfied without burdening the people. For a more concise view of my proposal, I have thrown it into the form of a resolve, supposed to be passed by the convention which is shortly to set in this town.

" Commonwealth of Massachusetts. *Resolved*, That the form of government lately proposed by a federal convention, held in the city of Philadelphia, is so far injurious to the interests of this commonwealth, that we are constrained by fidelity to our constituents to reject it; and we do hereby reject the said proposed form and every part thereof. But in order that the union of these states may, as far as possible, be promoted, and the federal business as little obstructed as may be, we do agree on the part of this commonwealth, that the following addition be made to the present articles of confederation:

"XIV. The United States shall have power to regulate the intercourse between these states and foreign dominions, under the following restrictions; viz.: 1st. No treaty, ordinance, or law shall alienate the whole or part of any state, without the consent of the legislature of such state. 2d. The United States shall not by treaty or otherwise give a preference to the ports of one state over those of another; nor, 3d, create any monopolies or exclusive companies; nor, 4th, extend the privileges of citizenship to any

foreigner. And for the more convenient exercise of the powers hereby and by the former articles given, the United States shall have authority to constitute judicatories, whether supreme or subordinate, with power to try all piracies and felonies done on the high seas, and also all civil causes in which a foreign state, or subject thereof, actually resident in a foreign country and not being British absentees, shall be one of the parties. They shall also have authority to try all causes in which ambassadors shall be concerned. All these trials shall be by jury and in some sea-port town. All imposts levied by Congress on trade shall be confined to foreign produce or foreign manufactures imported, and to foreign ships trading in our harbours, and all their absolute prohibitions shall be confined to the same articles. All imposts and confiscations shall be to the use of the state in which they shall accrue, excepting in such branches as shall be assigned by any state as a fund for defraying their proportion of the continental. And no powers shall be exercised by Congress but such as are expressly given by this and the former articles. And we hereby authorize our delegates in Congress to sign and ratify an article in the foregoing form and words, without any further act of this state for that purpose, provided the other states shall accede to this proposition on their part on or before the first day of January, which will be in the year of our Lord 1790. All matters of revenue being under the controul of the legislature, we recommend to the general court of this commonwealth, to devise, as early as may be, such funds arising from such branches of foreign commerce, as shall be equal to our part of the current charges of the continent, and to put Congress in possession of the revenue arising therefrom, with a right to collect it, during such term as shall appear to be necessary for the payment of the principal of their debt, by the sale of the western lands."*

By such an explicit declaration of the powers given to Con gress, we shall provide for all federal purposes, and shall at the same time secure our rights. It is easier to amend the old confederation, defective as it has been represented, than it is to cor-

* Probably an allusion to the Phelps and Gorham purchase.—*Ed.*

rect the new form. For with whatever view it was framed, truth constrains me to say, that it is insidious in its form, and ruinous in its tendency. Under the pretence of different branches of the legislature, the members will in fact be chosen from the same general description of citizens. The advantages of a check will be lost, while we shall be continually exposed to the cabals and corruption of a British election. There cannot be a more eligible mode than the present, for appointing members of Congress, nor more effectual checks provided than our separate state governments, nor any system so little expensive, in case of our adopting the resolve just stated, or even continuing as we are. We shall in that case avoid all the inconvenience of concurrent jurisdictions, we shall avoid the expensive and useless establishments of the Philadelphia proposition, we shall preserve our constitution and liberty, and we shall provide for all such institutions as will be useful. Surely then you cannot hesitate, whether you will chuse freedom or servitude. The object is now well defined. By adopting the form proposed by the convention, you will have the derision of foreigners, internal misery, and the anathemas of posterity. By amending the present confederation, and granting limited powers to Congress, you secure the admiration of strangers, internal happiness, and the blessings and prosperity of all succeeding generations. Be wise, then, and by preserving your freedom, prove, that Heaven bestowed it not in vain. Many will be the efforts to delude the convention. The mode of judging is itself suspicious, as being contrary to the antient and established usage of the commonwealth. But since the mode is adopted, we trust, that the members of that venerable assembly will not so much regard the greatness of their power, as the sense and interest of their constituents. And they will do well to remember that even a mistake in adopting it, will be destructive, while no evils can arise from a total, and much less, probably, from such a partial rejection as we have proposed.

I have now gone through my reasonings on this momentous subject, and have stated the facts and deductions from them, which you will verify for yourselves. Personal interest was not my object, or I should have pursued a different line of conduct. Though

I conceived that a man who owes allegiance to the state is bound, on all important occasions, to propose such inquiries as tend to promote the publick good; yet I did not imagine it to be any part of my duty to present myself to the fury of those who appear to have other ends in view. For this cause, and for this only, I have chosen a feigned signature. At present all the reports concerning the writer of these papers are merely conjectural. I should have been ashamed of my system if it had needed such feeble support as the character of individuals. It stands on the firm ground of the experience of mankind. I cannot conclude this long disquisition better than with a caution derived from the words of inspiration—*Discern the things of your peace now in the days thereof, before they be hidden from your eyes.*

AGRIPPA.

AGRIPPA, XI.

THE MASSACHUSETTS GAZETTE,

(Number 398)

TUESDAY, JANUARY 8, 1788.

For the Massachusetts Gazette.

TO THE PEOPLE.

My last address contained the outlines of a system fully adequate to all the useful purposes of the union. Its object is to raise a sufficient revenue from the foreign trade, and the sale of our publick lands, to satisfy all the publick exigencies, and to encourage, at the same time, our internal industry and manufactures. It also secures each state in its own separate rights, while the continental concerns are thrown into the general department. The only deficiencies that I have been able to discover in the plan, and in the view of federalists they are very great ones, are, that it does not allow the interference of Congress in the domestick concerns of the state, and that it does not render our national councils so liable to foreign influence. The first of these articles tends to guard us from that infinite multiplication of officers which the report of the Convention of Philadelphia proposes. With regard to the second, it is evidently not of much importance to any foreign nation to purchase, at a very high price, a majority of votes in an assembly, whose members are continually exposed to a recall. But give those members a right to sit six, or even two years, with such extensive powers as the new system proposes, and their friendship will be well worth a purchase. This is the only sense in which the Philadelphia system will ren-

der us more respectable in the eyes of foreigners. In every other view they lose their respect for us, as it will render us more like their own degraded models. It is a maxim with them, that every man has his price. If, therefore, we were to judge of what passes in the hearts of the federalists when they urge us, as they continually do, *to be like other nations*, and when they assign mercenary motives to the opposers of their plan, we should conclude very fairly they themselves wish to be provided for at the publick expense. However that may be, if we look upon the men we shall find some of their leaders to have formed pretty strong attachments to foreign nations. Whether those attachments arose from their being educated under a royal government, from a former unfortunate mistake in politicks, or from the agencies for foreigners, or any other cause, is not in my province to determine. But certain it is that some of the principal fomenters of this plan have never shown themselves capable of that generous system of policy which is founded in the affections of freemen. Power and high life are their idols, and national funds are necessary to support them.

Some of the principal powers of Europe have already entered into treaties with us, and that some of the rest have not done it, is not owing, as is falsely pretended, to the want of power in Congress. Holland never found any difficulty of this kind from the multitude of sovereignties in that country, which must all be consulted on such an occasion. The resentment of Great Britain for our victories in the late war has induced that power to restrain our intercourse with their subjects. Probably an hope, the only solace of the wretched, that their affairs would take a more favourable turn on this continent, has had some influence on their proceedings. All their restrictions have answered the end of securing our independence, by driving us into many valuable manufactures. Their own colonies in the mean time have languished for want of an intercourse with these states. The new settlement in Nova Scotia has miserably decayed, and the West India Islands have suffered for want of our supplies, and by the loss of our market. This has affected the revenue; and, however contemptuously some men may affect to speak of our trade, the sup-

ply of six millions of people is an object worth the attention of any nation upon earth. Interest in such a nation as Britain will surmount their resentment. However their pride may be stung, they will pursue after wealth. Increase of revenue to a nation overwhelmed with a debt of near *two hundred and ninety millions* sterling is an object to which little piques must give way; and there is no doubt that their interest consists in securing as much of our trade as they can.

These are the topicks from which are drawn some of the most plausible reasons that have been given by the federalists in favour of their plan, as derived from the sentiments of foreigners. We have weighed them and found them wanting. That they had not themselves full confidence in their own reasons at Philadelphia is evident from the method they took to bias the State Convention. Messrs. Wilson and M'Kean, two Scottish names, were repeatedly worsted in the argument. To make amends for their own incapacity, the gallery was filled with a rabble,* who shouted their applause, and these heroes of aristocracy were not ashamed, though modesty is their national virtue, to vindicate such a violation of decency. Means not less criminal, but not so flagrantly indecent, have been frequently mentioned among us to secure a majority. But those who vote for a price can never sanctify wrong, and treason will still retain its deformity.

AGRIPPA.

* An allusion to the proceedings in the Convention of Pennsylvania.—*Ed.*

AGRIPPA, XII.

THE MASSACHUSETTS GAZETTE,

(Number 399)

FRIDAY, JANUARY 11, 1788.

For the Massachusetts Gazette.

TO THE MASSACHUSETTS CONVENTION.

Gentlemen,

Suffer an individual to lay before you his contemplations on the great subject that now engages your attention. To you it belongs, and may Heaven direct your judgment to decide on the happiness of all future generations, as well as the present.

It is universally agreed that the object of every just government is to render the people happy, by securing their persons and possessions from wrong. To this end it is necessary that there should be local laws and institutions; for a people inhabiting various climates will unavoidably have local habits and different modes of life, and these must be consulted in making the laws. It is much easier to adapt the laws to the manners of the people, than to make manners conform to laws. The idle and dissolute inhabitants of the south require a different regimen from the sober and active people of the north. Hence, among other reasons, is derived the necessity of local governments, who may enact, repeal, or alter regulations as the circumstances of each part of the empire may require. This would be the case, even if a very great state was to be settled at once. But it becomes still more needful when the local manners are formed, and usages sanctified, by the practice of a century and a half. In such a case, to attempt to reduce all to one standard is absurd in itself and cannot

be done but upon the principle of power, which debases the people and renders them unhappy till all dignity of character is put away. Many circumstances render us an essentially different people from the inhabitants of the southern states. The unequal distribution of property, the toleration of slavery, the ignorance and poverty of the lower classes, the softness of the climate and dissoluteness of manners, mark their character. Among us, the care that is taken of education, small and nearly equal estates, equality of rights, and the severity of the climate, renders the people active, industrious and sober. Attention to religion and good morals is a distinguishing trait in our character. It is plain, therefore, that we require for our regulation laws which will not suit the circumstances of our southern brethren, and that laws made for them would not apply to us. Unhappiness would be the uniform product of such laws; for no state can be happy when the laws contradict the general habits of the people, nor can any state retain its freedom while there is a power to make and enforce such laws. We may go further, and say, that it is impossible for any single legislature so fully to comprehend the circumstances of the different parts of a very extensive dominion as to make laws adapted to those circumstances.

Hence arises in most nations of extensive territory, the necessity of armies, to cure the defect of the laws. It is actually under the pressure of such an absurd government, that the Spanish provinces have groaned for near three centuries; and such will be our misfortune and degradation, if we ever submit to have all the business of the empire done by one legislature. The contrary principle of local legislation by the representatives of the people, who alone are to be governed by the laws, has raised us to our present greatness; and an attempt on the part of Great Britain to invade this right, brought on the revolution, which gave us a separate rank among the nations. We even declared, that we would not be represented in the national legislature, because one assembly was not adequate to the purposes of internal legislation and taxation. AGRIPPA.

[*Remainder next Tuesday.*]

AGRIPPA, XIII.

THE MASSACHUSETTS GAZETTE,

(Number 400)

TUESDAY, JANUARY 14, 1788.

(*Concluded from our last.*)

TO THE MASSACHUSETTS CONVENTION.

Gentlemen,

The question then arises, what is the kind of government best adapted to the object of securing our persons and possessions from violence? I answer, a *Federal Republick.* By this kind of government each state reserves to itself the right of making and altering its laws for internal regulation, and the right of executing those laws without any external restraint, while the general concerns of the empire are committed to an assembly of delegates, each accountable to his own constituents. This is the happy form under which we live, and which seems to mark us out as a people chosen of God. No instance can be produced of any other kind of government so stable and energetick as the republican. The objection drawn from the Greek and Roman states does not apply to the question. Republicanism appears there in its most disadvantageous form. Arts and domestic employments were generally committed to slaves, while war was almost the only business worthy of a citizen. Hence arose their internal dissensions. Still they exhibited proofs of legislative wisdom and judicial integrity hardly to be found among their monarchick neighbors. On the other hand we find Carthage cultivating commerce, and extending her dominions for the long space of seven centuries, during which term the internal tranquillity was

never disturbed by her citizens. Her national power was so respectable, that for a long time it was doubtful whether Carthage or Rome should rule. In the form of their government they bore a strong resemblance to each other. Rome might be reckoned a free state for about four hundred and fifty years. We have then the true line of distinction between those two nations, and a strong proof of the hardy materials which compose a republican government. If there was no other proof, we might with impartial judges risk the issue upon this alone. But our proof rests not here. The present state of Europe, and the vigour and tranquillity of our own governments, after experiencing this form for a century and an half, are decided proofs in favour of those governments which encourage commerce. A comparison of our own country, first with Europe and then with the other parts of the world, will prove, beyond a doubt, that the greatest share of freedom is enjoyed by the citizens, so much more does commerce flourish. The reason is, that every citizen has an influence in making the laws, and thus they are conformed to the general interests of the state; but in every other kind of government they are frequently made in favour of a part of the community at the expense of the rest.

The argument against republicks, as it is derived from the Greek and Roman states, is unfair. It goes on the idea that no other government is subject to be disturbed. As well might we conclude, that a limited monarchy is unstable, because that under the feudal system the nobles frequently made war upon their king, and disturbed the publick peace. We find, however, in practice, that limited monarchy is more friendly to commerce, because more friendly to the rights of the subject, than an absolute government; and that it is more liable to be disturbed than a republick, because less friendly to trade and the rights of individuals. There cannot, from the history of mankind, be produced an instance of rapid growth in extent, in numbers, in arts, and in trade, that will bear any comparison with our country. This is owing to what the friends of the new system, and the enemies of the revolution, for I take them to be nearly the same, would term *our extreme liberty*. Already, have our ships visited every part of

the world, and brought us their commodities in greater perfection, and at a more moderate price, than we ever before experienced. The ships of other nations crowd to our ports, seeking an intercourse with us. All the estimates of every party make the balance of trade for the present year to be largely in our favour. Already have some very useful, and some elegant manufactures got established among us, so that our country every day is becoming independent in her resources. Two-thirds of the continental debt has been paid since the war, and we are in alliance with some of the most respectable powers of Europe. The western lands, won from Britain by the sword, are an ample fund for the principal of all our public debts; and every new sale excites that manly pride which is essential to national virtue. All this happiness arises from the freedom of our institutions and the limited nature of our government; a government that is respected from principles of affection, and obeyed with alacrity. The sovereigns of the old world are frequently, though surrounded with armies, treated with insult; and the despotick monarchies of the east, are the most fluctuating, oppressive and uncertain governments of any form hitherto invented. These considerations are sufficient to establish the excellence of our own form, and the goodness of our prospects.

Let us now consider the probable effects of a consolidation of the separate states into one mass; for the new system extends so far. Many ingenious explanations have been given of it; but there is this defect, that they are drawn from maxims of the common law, while the system itself cannot be bound by any such maxims. A legislative assembly has an inherent right to alter the common law, and to abolish any of its principles, which are not particularly guarded in the constitution. Any system therefore which appoints a legislature, without any reservation of the rights of individuals, surrenders all power in every branch of legislation to the government. The universal practice of every government proves the justness of this remark; for in every doubtful case it is an established rule to decide in favour of authority. The new system is, therefore, in one respect at least, essentially inferior to our state constitutions. There is no bill of rights, and

consequently a continental law may controul any of those principles, which we consider at present as sacred; while not one of those points, in which it is said that the separate governments misapply their power, is guarded. Tender acts and the coinage of money stand on the same footing of a consolidation of power. It is a mere fallacy, invented by the deceptive powers of Mr. Wilson, that what rights are not given are reserved. The contrary has already been shewn. But to put this matter of legislation out of all doubt, let us compare together some parts of the book; for being an independent system, this is the only way to ascertain its meaning.

In article III, section 2, it is declared, that "the judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made or which shall be made under their authority." Among the cases arising under this new constitution are reckoned, "all controversies between citizens of different states," which include all kinds of civil causes between those parties. The giving Congress a power to appoint courts for such a purpose is as much, there being no stipulation to the contrary, giving them power to legislate for such causes, as giving them a right to raise an army, is giving them a right to direct the operations of the army when raised. But it is not left to implication. The last clause of article I, section 8, expressly gives them power "to make all laws which shall be needful and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." It is, therefore, as plain as words can make it, that they have a right by this proposed form to legislate for all kinds of causes respecting property between citizens of different states. That this power extends to all cases between citizens of the same state, is evident from the sixth article, which declares all continental laws and treaties to be the *supreme law* of the land, and that all state judges are bound thereby, "*anything in the constitution or laws of any state to the contrary notwithstanding.*" If this is not binding the judges of the separate states in their own office, by continental rules, it is perfect nonsense.

There is then a complete consolidation of the legislative powers in all cases respecting property. This power extends to all cases between a state and citizens of another state. Hence a citizen, possessed of the notes of another state, may bring his action, and there is no limitation that the execution shall be levied on the publick property of the state; but the property of individuals is liable. This is a foundation for endless confusion and discord. This right to try causes between a state and citizens of another state, involves in it all criminal causes; and a man who has accidentally transgressed the laws of another state, must be transported, with all his witnesses, to a third state, to be tried. He must be ruined to prove his innocence. These are necessary parts of the new system, and it will never be complete till they are reduced to practice. They effectually prove a consolidation of the states, and we have before shewn the ruinous tendency of such a measure.

By sect. 8 of article 1, Congress are to have the unlimited right to regulate commerce, external and *internal*, and may therefore create monopolies which have been universally injurious to all the subjects of the countries that have adopted them, excepting the monopolists themselves. They have also the unlimited right to imposts and all kinds of taxes, as well to levy as to collect them. They have indeed very nearly the same powers claimed formerly by the British parliament. Can we have so soon forgot our glorious struggle with that power, as to think a moment of surrendering it now? It makes no difference in principle whether the national assembly was elected for seven years or for six. In both cases we should vote to great disadvantage, and therefore ought never to agree to such an article. Let us make provision for the payment of the interest of our part of the debt, and we shall be fairly acquitted. Let the fund be an impost on our foreign trade, and we shall encourage our manufactures. But if we surrender the unlimited right to regulate trade, and levy taxes, imposts will oppress our foreign trade for the benefit of other states, while excises and taxes will discourage our internal industry. The right to regulate trade, without any limitations, will, as certainly as it is granted, transfer the trade of this state

to Pennsylvania. That will be the seat of business and of wealth, while the extremes of the empire will, like Ireland and Scotland, be drained to fatten an overgrown capital. Under our present equal advantages, the citizens of this state come in for their full share of commercial profits. Surrender the rights of taxation and commercial regulation, and the landed states at the southward will all be interested in draining our resources; for whatever can be got by impost on our trade and excises on our manufactures, will be considered as so much saved to a state inhabited by planters. All savings of this sort ought surely to be made in favour of our own state; and we ought never to surrender the unlimited powers of revenue and trade to uncommercial people. If we do, the glory of the state from that moment departs, never to return.

The safety of our constitutional rights consists in having the business of governments lodged in different departments, and in having each part well defined. By this means each branch is kept within the constitutional limits. Never was a fairer line of distinction than what may be easily drawn between the continental and state governments. The latter provide for all cases, whether civil or criminal, that can happen ashore, because all such causes must arise within the limits of some state. Transactions between citizens may all be fairly included in this idea, even although they should arise in passing by water from one state to another. But the intercourse between us and foreign nations properly forms the department of Congress. They should have the power of regulating trade under such limitations as should render their laws equal. They should have the right of war and peace, saving the equality of rights, and the territory of each state. But the power of naturalization and internal regulation should not be given them. To give my scheme a more systematick appearance, I have thrown it into the form of a resolve, which is submitted to your wisdom for amendment, but not as being perfect.

"Resolved, that the form of government proposed by the federal convention, lately held in Philadelphia, be rejected on the part of this commonwealth; and that our delegates in Congress

are hereby authorised to propose on the part of this commonwealth, and, if the other states for themselves agree thereto, to sign an article of confederation, as an addition to the present articles, in the form following, provided such agreement be made on or before the first day of January, which will be in the year of our Lord 1790; the said article shall have the same force and effect as if it had been inserted in the original confederation, and is to be construed consistently with the clause in the former articles, which restrains the United States from exercising such powers as are not expressly given.

"XIV. The United States shall have power to regulate, whether by treaty, ordinance or law, the intercourse between these states and foreign dominions and countries, under the following restrictions. No treaty, ordinance, or law shall give a preference to the ports of one state over those of another; nor 2d. impair the territory or internal authority of any state; nor 3d. create any monopolies or exclusive companies; nor 4th. naturalize any foreigners. All their imposts and prohibitions shall be confined to foreign produce and manufactures imported, and to foreign ships trading in our harbours. All imposts and confiscations shall be to the use of the state where they shall accrue, excepting only such branches of impost as shall be assigned by the separate states to Congress for a fund to defray the interest of their debt, and their current charges. In order the more effectually to execute this and the former articles, Congress shall have authority to appoint courts, supreme and subordinate, with power to try all crimes, not relating to state securities, between any foreign state, or subject of such state, actually residing in a foreign country, and not being an absentee or person who has alienated himself from these states on the one part, and any of the United States or citizens thereof on the other part; also all causes in which foreign ambassadours or other foreign ministers resident here shall be immediately concerned, respecting the jurisdiction or immunities only. And the Congress shall have authority to execute the judgment of such courts by their own affairs. Piracies and felonies committed on the high seas shall also belong to the department of Congress for them to define, try, and punish, in the same

manner as the other causes shall be defined, tried, and determined. All the before-mentioned causes shall be tried by jury and in some sea-port town. And it is recommended to the general court at their next meeting to provide and put Congress in possession of funds arising from foreign imports and ships sufficient to defray our share of the present annual expenses of the continent."*

Such a resolve, explicitly limiting the powers granted, is the farthest we can proceed with safety. The scheme of accepting the report of the Convention, and amending it afterwards, is merely delusive. There is no intention among those who make the proposition to amend it at all. Besides, if they have influence enough to get it accepted in its present form, there is no probability that they will consent to an alteration when possessed of an unlimited revenue. It is an excellence in our present confederation, that it is extremely difficult to alter it. An unanimous vote of the states is required. But this newly proposed form is founded in injustice, as it proposes that a fictitious consent of only nine states shall be sufficient to establish it. Nobody can suppose that the consent of a state is any thing more than a fiction, in the view of the federalists, after the mobbish influence used over the Pennsylvania convention. The two great leaders of the plan, with a modesty of Scotsmen, placed a rabble in the gallery to applaud their speeches, and thus supplied their want of capacity in the argument. Repeatedly were Wilson and M'Kean worsted in the argument by the plain good sense of Findly and Smilie. But reasoning or knowledge had little to do with the federal party. Votes were all they wanted, by whatever means obtained. Means not less criminal have been mentioned among us. But votes that are bought can never justify a treasonable conspiracy. Better, far better, would it be to reject the whole, and remain in possession of present advantages. The authority of Congress to decide disputes between states is sufficient to prevent their recurring to hostility: and their different situation, wants and produce is a sufficient foundation for the most friendly intercourse. All the arts of delusion and legal chicanery will be

* Cf. with page 85.—*Ed.*

used to elude your vigilance, and obtain a majority. But keeping the constitution of the state and the publick interest in view, will be your safety.

[We are obliged, contrary to our intention, to postpone the remainder of Agrippa till our next.]

AGRIPPA, XIV.

THE MASSACHUSETTS GAZETTE,

(Number 401)

FRIDAY, JANUARY 18, 1788.

(*Concluded from our last.*)

TO THE MASSACHUSETTS CONVENTION.

Gentlemen,

To tell us that we ought to look beyond local interests, and judge for the good of the empire, is sapping the foundation of a free state. The first principle of a just government is, that it shall operate equally. The report of the convention is extremely unequal. It takes a larger share of power from some, and from others, a larger share of wealth. The Massachusetts will be obliged to pay near three times their present proportion towards continental charges. The proportion is now ascertained by the quantity of landed property, then it will be by the number of persons. After taking the whole of our standing revenue, by impost and excise, we must still be held to pay a sixth part of the remaining debt. It is evidently a contrivance to help the other states at our expense. Let us then be upon our guard, and do no more than the present confederation obliges. While we make that our beacon we are safe. It was framed by men of extensive knowledge and enlarged ability, at a time when some of the framers of the new plan were hiding in the forests to secure their precious persons. It was framed by men who were always in favor of a limited government, and whose endeavours Heaven has crowned with success. It was framed by men whose idols were

not power and high life, but industry and constitutional liberty, and who are now in opposition to this new scheme of oppression. Let us then cherish the old confederation like the apple of our eye. Let us confirm it by such limited powers to Congress, and such an enlarged intercourse, founded on commercial and mutual want, with the other states, that our union shall outlast time itself. It is easier to prevent an evil than to cure it. We ought therefore to be cautious of innovations. The intrigues of interested politicians will be used to seduce even the elect. If the vote passes in favour of the plan, the constitutional liberty of our country is gone forever. If the plan should be rejected, we always have it in our power, by a fair vote of the people at large, to extend the authority of Congress. This ought to have been the mode pursued. But our antagonists were afraid to risk it. They knew that the plan would not bear examining. Hence we have seen them insulting all who were in opposition to it, and answering arguments only with abuse. They have threatened and they have insulted the body of the people. But I may venture to appeal to any man of unbiassed judgment, whether his feelings tell him, that there is any danger at all in rejecting the plan. I ask not the palsied or the jaundiced, nor men troubled with bilious or nervous affections, for they can see danger in every thing. But I apply to men who have no personal expectations from a change, and to men in full health. The answer of all such men will be, that never was a better time for deliberation. Let us then, while we have it in our power, secure the happiness and freedom of the present and future ages. To accept of the report of the convention, under the idea that we can alter it when we please, will be sporting with fire-brands, arrows and death. It is a system which must have an army to support it, and there can be no redress but by a civil war. If, as the federalists say, there is a necessity of our receiving it, for heaven's sake let our liberties go without our making a formal surrender. Let us at least have the satisfaction of protesting against it, that our own hearts may not reproach us for the meanness of deserting our dearest interests.

Our present system is attended with the inestimable advantage of preventing unnecessary wars. Foreign influence is assuredly

smaller in our publick councils, in proportion as the members are subject to be recalled. At present, their right to sit continues no longer than their endeavours to secure the publick interest. It is therefore not an object for any foreign power to give a large price for the friendship of a delegate in Congress. If we adopt the new system, every member will depend upon thirty thousand people, mostly scattered over a large extent of country, for his election. Their distance from the seat of government will make it extremely difficult for the electors to get information of his conduct. If he is faithful to his constituents, his conduct will be misrepresented, in order to defeat his influence at home. Of this we have a recent instance, in the treatment of the dissenting members of the late federal convention.* Their fidelity to their constituents was their whole fault. We may reasonably expect similar conduct to be adopted, when we shall have rendered the friendship of the members valuable to foreign powers, by giving them a secure seat in Congress. We shall too have all the intrigues, cabals and bribery practiced, which are usual at elections in Great Britain. We shall see and lament the want of publick virtue; and we shall see ourselves bought at a publick market, in order to be sold again to the highest bidder. We must be involved in all the quarrels of European powers, and oppressed with expense, merely for the sake of being like the nations round about us. Let us then, with the spirit of freemen, reject the offered system, and treat as it deserves the proposition of men who have departed from their commission; and let us deliver to the rising generation the liberty purchased with our blood.

AGRIPPA.

* Robert Yates, John Lansing, Jr., Luther Martin, James Francis Mercer, Edmund Randolph, George Mason, and Elbridge Gerry.—*Ed.*

AGRIPPA, XV.

THE MASSACHUSETTS GAZETTE,

(Number 402)

TUESDAY, JANUARY 22, 1788.

TO THE MASSACHUSETTS CONVENTION.

Gentlemen,

Truly deplorable, in point of argument, must be that cause, in whose defence persons of acknowledged learning and ability can say nothing pertinent. When they undertake to prove that the person elected is the safest person in the world to control the exercise of the elective powers of his constituents, we know what dependence is to be had upon their reasonings. Yet we have seen attempts to shew, that the fourth section of the proposed constitution is an additional security to our rights. It may be such in the view of a Rhode Island family (I think that state is quoted) who have been of some time in the minority: but it is extraordinary that an enlightened character* in the Massachusetts [convention] should undertake to prove, that, from a single instance of abuse in one state, another state ought to resign its liberty. Can an [sic] man, in the free exercise of his reason, suppose, that he is perfectly represented in the legislature, when that legislature may at pleasure alter the time, manner and place of election? By altering the time they may continue a representive during his whole life; by altering the manner, they may fill up the vacancies by their own votes without the consent of the people; and by altering the place, all the elections may be made at the seat of the federal government. Of all the powers of government perhaps

* The speech of Caleb Strong in the State Convention, Jan. 16, 1788.—*Ed.*

this is the most improper to be surrendered. Such an article at once destroys the whole check which the constituents have upon their rulers. I should be less zealous upon this subject, if the power had not been often abused. The senate of Venice, the regencies of Holland, and the British Parliament have all abused it. The last have not yet perpetuated themselves; but they have availed themselves repeatedly of popular commotions to continue in power. Even at this day we find attempts to vindicate the usurpation by which they continued themselves from three to seven years. All the attempts, and many have been made, to return to triennial elections, have proved abortive. These instances are abundantly sufficient to shew with what jealousy this right ought to be guarded. No sovereign on earth need be afraid to declare his crown elective, while the possessor has the right to regulate the time, manner, and place of election.

It is vain to tell us, that the proposed government guarantees to each state a republican form. Republicks are divided into democraticks, and aristocraticks. The establishment of an order of nobles, in whom should reside all the power of the state, would be an aristocratick republick. Such has been for five centuries the government of Venice, in which all the energies of government, as well as of individuals, have been cramped by a distressing jealousy that the rulers have of each other. There is nothing of that generous, manly confidence that we see in the democratick republicks of our own country. It is a government of force, attended with perpetual fear of that force. In Great Britain, since the lengthening of parliaments, all our accounts agree, that their elections are a continued scene of bribery, riot and tumult; often a scene of murder. These are the consequences of choosing seldom, and for extensive districts. When the term is short nobody will give an high price for a seat. It is an insufficient answer to these objections to say, that there is no power of government but may sometimes be applied to bad purposes. Such a power is of no value unless it is applied to a bad purpose. It ought always to remain with the people. The framers of our state constitution were so jealous of this right, that they fixed the days for election, meeting and dissolving of the legislature, and

of the other officers of government. In the proposed constitution not one of these points is guarded, though more numerous and extensive powers are given them than to any state legislature upon the continent. For Congress is at present possessed of the direction of the national force, and most other national powers, and in addition to them are to be vested with all the powers of the individual states, unrestrained by any declarations of right. If these things are for the security of our constitutional liberty, I trust we shall soon see an attempt to prove that the government by an army will be more friendly to liberty than a system founded in consent, and that five states will make a majority of thirteen. The powers of controuling elections, of creating exclusive companies in trade, of internal legislation and taxations ought, upon no account, to be surrendered. I know it is a common complaint, that Congress want more power. But where is the limitted government that does not want it? Ambition is in a governour what money is to a misar [sic]— . . . . he can never accumulate enough. But it is as true in politicks as in morals, he that is unfaithful in little, will be unfaithful also in much. He who will not exercise the powers he has, will never properly use more extensive powers. The framing entirely new systems, is a work that requires vast attention; and it is much easier to guard an old one. It is infinitely better to reject one that is unfriendly to liberty, and rest for a while satisfied with a system that is in some measure defective, than to set up a government unfriendly to the rights of states, and to the rights of individuals—one that is undefined in its powers and operations. Such is the government proposed by the federal convention, and such, we trust, you will have the wisdom and firmness to reject.

AGRIPPA.

AGRIPPA, XV.

THE MASSACHUSETTS GAZETTE,

(Number 403)

FRIDAY, JANUARY 25, 1788.

TO THE MASSACHUSETTS CONVENTION.

Gentlemen,

That the new system, proposed for your adoption, is not founded in argument, but in party spirit, is evident from the whole behaviour of that party, who favour it. The following is a short, but genuine specimen of their reasoning. The South Carolina legislature have established an unequal representation, and will not alter it: therefore Congress should be invested with an unrestrained power to alter the time, manner and place of electing members into that body. Directly the contrary position should have been inferred. An elected assembly made an improper use of their right to controul elections, therefore such a right ought not to be lodged with them. It will be abused in ten instances, for one in which it will serve any valuable purpose. It is said also that the Rhode Island assembly *intend* to abuse their power in this respect, therefore we should put Congress in a situation to abuse theirs. Surely this is not a kind of reasoning that, in the opinion of any indifferent person, can vindicate the fourth section. Yet we have heard it publickly advanced as being conclusive.

The unlimited power over trade, domestick as well as foreign, is another power that will more probably be applied to a bad than to a good purpose. That our trade was for the last year much in favour of the commonwealth is agreed by all parties.

The freedom that every man, whether his capital is large or small, enjoys of entering into any branch that pleases him, rouses a spirit of industry and exertion, that is friendly to commerce. It prevents that stagnation of business which generally precedes publick commotions. Nothing ought to be done to restrain this spirit. The unlimited power over trade, however, is exceedingly apt to injure it.

In most countries of Europe, trade has been more confined by exclusive charters. Exclusive companies are, in trade, pretty much like an aristocracy in government, and produce nearly as bad effects. An instance of it we have ourselves experienced. Before the Revolution, we carried on no direct trade to India. The goods imported from that country came to us through the medium of an exclusive company. Our trade in that quarter is now respectable, and we receive several kinds of their goods at about half the former price. But the evil of such companies does not terminate there. They always, by the greatness of their capital, have an undue influence on the government.

In a republick, we ought to guard, as much as possible, against the predominance of any particular interest. It is the object of government to protect them all. When commerce is left to take its own course, the advantage of every class will be nearly equal. But when exclusive privileges are given to any class, it will operate to the weakening of some other class connected with them.

AGRIPPA.

(*Remainder next Tuesday.*)

AGRIPPA, XVII.

THE MASSACHUSETTS GAZETTE,

(Number 404)

TUESDAY, JANUARY 20, 1788.

TO THE MASSACHUSETTS CONVENTION.

Gentlemen,

As it is essentially necessary to the happiness of a free people, that the constitution of government should be established in principles of truth, I have endeavoured, in a series of papers, to discuss the proposed form with that degree of freedom which becomes a faithful citizen of the commonwealth. It must be obvious to the most careless observer that the friends of the new plan appear to have nothing more in view than to establish it by a popular current, without any regard to the truth of its principles. Propositions, novel, erroneous and dangerous, are boldly advanced to support a system, which does not appear to be founded in, but in every instance to contradict, the experience of mankind. We are told that a constitution is in itself a bill of rights; that all power not expressly given, is reserved; that no powers are given to the new government which are not already vested in the state governments, and that it is for the security of liberty that the persons elected should have the absolute controul over the time, manner and place of election. These, and an hundred other things of a like kind, though they have gained the hasty assent of men, respectable for learning and ability, are false in themselves and invented merely to serve a present purpose. This will, I trust, clearly appear from the following considerations:

It is common to consider man at first as in a state of nature, separate from all society. The only historical evidence, that the human species ever actually existed in this state, is derived from the book of Gen. There it is said, that Adam remained a while alone. While the whole species was comprehended in his person was the only instance in which this supposed state of nature really existed. Ever since the completion of the first pair, mankind appear as natural to associate with their own species, as animals of any other kind herd together. Wherever we meet with their settlements, they are found in clans. We are therefore justified in saying, that a state of society is the natural state of man. Wherever we find a settlement of men, we find also some appearance of government. The state of government is therefore as natural to mankind as a state of society. Government and society appear to be co-eval. The most rude and artless form of goverment is probably the most ancient. This we find to be practised among the Indian tribes in America. With them the whole authority of government is vested in the whole tribe. Individuals depend upon their reputation of valour and wisdom to give them influence. Their government is genuinely democratical. This was probably the first kind of government among mankind, as we meet with no mention of any other kind, till royalty was introduced in the person of Nimrod. Immediately after that time, the Asiatick nations seem to have departed from the simple democracy, which is still retained by their American brethren, and universally adopted the kingly form. We do indeed meet with some vague rumors of an aristocracy in India so late as the time of Alexander the Great. But such stories are altogether uncertain and improbable. For in the time of Abraham, who lived about sixteen hundred years before Alexander, all the little nations mentioned in the Mosaick history appear to be governed by kings. It does not appear from any accounts of the Asiatick kingdoms that they have practised at all upon the idea of a limited monarchy. The whole power of society has been delegated to the kings; and though they may be said to have constitutions of government, because the succession to the crown is limited by certain rules, yet the people

are not benefitted by their constitutions, and enjoy no share of civil liberty. The first attempt to reduce republicanism to a system, appears to be made by Moses when he led the Israelites out of Egypt. This government stood a considerable time, about five centuries, till in a frenzy the people demanded a king, that they might resemble the nations about them. They were dissatisfied with their judges, and instead of changing the administration, they madly changed their constitution. However they might flatter themselves with the idea, that an high-spirited people could get the power back again when they pleased; they never did get it back, and they fared like the nations about them. Their kings tyrannized over them for some centuries, till they fell under a foreign yoke. This is the history of that nation. With a change of names, it describes the progress of political changes in other countries. The people are dazzled with the splendour of distant monarchies, and a desire to share their glory induces them to sacrifice their domestick happiness.

From this general view of the state of mankind it appears that all the powers of government originally reside in the body of the people; and that when they appoint certain persons to administer the government, they delegate all the powers of government not expressly reserved. Hence it appears that a constitution does not in itself imply any more than a declaration of the relation which the different parts of the government bear to each other, but does not in any degree imply security to the rights of individuals. This has been the uniform practice. In all doubtful cases the decision is in favour of the government. It is therefore impertinent to ask by what right government exercises powers not expressly delegated. Mr. Wilson, the great oracle of federalism, acknowledges, in his speech to the Philadelphians,* the truth of these remarks, as they respect the state governments, but attempts to set up a distinction between them and the continental government. To anybody who will be at the trouble to read the new system, it is evidently in the same situation as the state constitutions now possess. It is a compact among the *people* for the pur-

* Delivered Oct. 6, 1787. Printed in *Ford's Pamphlets on the Constitution*, p. 155. —*Ed.*

poses of government, and not a compact between states. It begins in the name of the people, and not of the states.

It has been shown in the course of this paper, that when people institute government, they of course delegate all rights not expressly reserved. In our state constitution the bill of rights consists of thirty articles. It is evident therefore that the new constitution proposes to delegate greater powers than are granted to our own government, sanguine as the person was who denied it. The complaints against the separate governments, even by the friends of the new plan, are not that they have not power enough, but that they are disposed to make a bad use of what power they have. Surely then they reason badly, when they purpose to set up a government possess'd of much more extensive powers than the present, and subject to much smaller checks.

Bills of rights, reserved by authority of the people, are, I believe, peculiar to America. A careful observance of the abuse practised in other countries has had its just effect by inducing our people to guard against them. We find the happiest consequences to flow from it. The separate governments know their powers, their objects, and operations. We are therefore not perpetually tormented with new experiments. For a single instance of abuse among us there are thousands in other countries. On the other hand, the people know their rights, and feel happy in the possession of their freedom, both civil and political. Active industry is the consequence of their security, and within one year the circumstances of the state and of individuals have improved to a degree never before known in this commonwealth. Though our bill of rights does not, perhaps, contain all the cases in which power might be safely reserved, yet it affords a protection to the persons and possessions of individuals not known in any foreign country. In some respects the power of government is a little too confined. In many other countries we find the people resisting their governours for exercising their power in an unaccus tomed mode. But for want of a bill of rights the resistance is always, by the principles of their government, a rebellion which nothing but success can justify. In our constitution we have aimed at delegating the necessary powers of government and

confining their operation to beneficial purposes. At present we appear to have come very near the truth. Let us therefore have wisdom and virtue enough to preserve it inviolate. It is a stale contrivance, to get the people into a passion, in order to make them sacrifice their liberty. Repentance always comes, but it comes too late. Let us not flatter ourselves that we shall always have good men to govern us. If we endeavour to be like other nations we shall have more bad men than good ones to exercise extensive powers. That circumstance alone will corrupt them. While they fancy themselves the viceregents of God, they will resemble him only in power, but will always depart from his wisdom and goodness. AGRIPPA.

AGRIPPA, XVIII.

THE MASSACHUSETTS GAZETTE,

(Number 406)

TUESDAY, FEBRUARY 5, 1788.

TO THE MASSACHUSETTS CONVENTION.

Gentlemen,

In my last address I ascertained, from historical records, the following principles: that, in the original state of government, the whole power resides in the whole body of the nation, that when a people appoint certain persons to govern them, they delegate their whole power; that a constitution is not in itself a bill of rights; and that, whatever is the form of government, a bill of rights is essential to the security of the persons and property of the people. It is an idea favourable to the interest of mankind at large, that government is founded in compact. Several instances may be produced of it, but none is more remarkable than our own. In general, I have chosen to apply to such facts as are in the reach of my readers. For this purpose I have chiefly confined myself to examples drawn from the history of our own country, and to the Old Testament. It is in the power of every reader to verify examples thus substantiated. Even in the remarkable arguments on the fourth section, relative to the power over election I was far from stating the worst of it, as it respects the adverse party. A gentleman, respectable in many points, but more especially for his systematick and perspicuous reasoning in his profession, has repeatedly stated to the Convention, among his reasons in favour of that section, that *the Rhode Island assembly have for a considerable time past had a bill lying on their*

*table for altering the manner of elections for representatives in that state.** He has stated it with all the zeal of a person who believed his argument to be a good one. But surely a *bill lying on a table* can never be considered as any more than an *intention* to pass it, and nobody pretends that it ever actually did pass. It is in strictness only the intention of a part of the assembly, for nobody can aver that it ever will pass. I write not with an intention to deceive, but that the whole argument may be stated fairly. Much eloquence and ingenuity have been employed in shewing that side of the argument in favor of the proposed constitution, but it ought to be considered that if we accept it upon mere verbal explanations, we shall find ourselves deceived. I appeal to the knowledge of every one, if it does not frequently happen, that a law is interpreted in practice very differently from the intention of the legislature. Hence arises the necessity of acts to amend and explain former acts. This is not an inconvenience in the common and ordinary business of legislation, but is a great one in a constitution. A constitution is a legislative act of the whole people. It is an excellence that it should be permanent, otherwise we are exposed to perpetual insecurity from the fluctuation of government. We should be in the same situation as under absolute government, sometimes exposed to the pressure of greater, and sometimes unprotected by the weaker power in the sovereign.

It is now generally understood that it is for the security of the people that the powers of the government should be lodged in different branches. By this means publick business will go on when they all agree, and stop when they disagree. The advantage of checks in government is thus manifested where the concurrence of different branches is necessary to the same act, but the advantage of a division of business is advantageous in other respects. As in every extensive empire, local laws are necessary to suit the different interests, no single legislature is adequate to the businsss. All human capacities are limitted to a narrow space, and as no individval is capable of practising a great variety of trades, no single legislature is capable of managing all the

* No record of this is given in the *Debates in the Massachusetts Convention.—Ed.*

variety of national and state concerns. Even if a legislature was capable of it, the business of the judicial department must, from the same cause, be slovenly done. Hence arises the necessity of a division of the business into national and local. Each department ought to have all the powers necessary for executing its own business, under such limitations as tend to secure us from any inequality in the operations of government. I know it is often asked against whom in a government by representation is a bill of rights to secure us? I answer, that such a government is indeed a government by ourselves; but as a just government protects all alike, it is necessary that the sober and industrious part of the community should be defended from the rapacity and violence of the vicious and idle. A bill of rights, therefore, ought to set forth the purposes for which the compact is made, and serves to secure the minority against the usurpation and tyranny of the majority. It is a just observation of his excellency, doctor Adams, in his learned defence of the American constitutions that unbridled passions produce the same effect, whether in a king, nobility, or a mob. The experience of all mankind has proved the prevalence of a disposition to use power wantonly. It is therefore as necessary to defend an individual against the majority in a republick as against the king in a monarchy. Our state constitution has wisely guarded this point. The present confederation has also done it.

I confess that I have yet seen no sufficient reason for not amending the confederation, though I have weighed the argument with candour; I think it would be much easier to amend it than the new constitution. But this is a point on which men of very respectable character differ. There is another point in which nearly all agree, and that is, that the new constitution would be better in many respects if it had been differently framed. Here the question is not so much what the amendments ought to be, as in what manner they shall be made; whether they shall be made as conditions of our accepting the constitution, or whether we shall first accept it, and then try to amend it. I can hardly conceive that it should seriously be made a question. If the first question, whether we will receive it as it stands, be

negatived, as it undoubtedly ought to be, while the conviction remains that amendments are necessary; the next question will be, what amendments shall be made? Here permit an individual, who glories in being a citizen of Massachusetts, and who is anxious that her character may remain undiminished, to propose such articles as appear to him necessary for preserving the rights of the state. He means not to retract anything with regard to the expediency of amending the old confederation, and rejecting the new one totally; but only to make a proposition which he thinks comprehends the general idea of all parties. If the new constitution means no more than the friends of it acknowledge, they certainly can have no objection to affixing a declaration in favor of the rights of states and of citizens, especially as a majority of the states have not yet voted upon it.

"Resolved, that the constitution lately proposed for the United States be received only upon the following conditions:

"1. Congress shall have no power to alter the time, place or manner of elections, nor any authority over elections, otherwise than by fining such state as shall neglect to send its representatives or senators, a sum not exceeding the expense of supporting its representatives or senators one year.

"2. Congress shall not have the power of regulating the intercourse between the states, nor to levy any direct tax on polls or estates, or any excise.

"3. Congress shall not have power to try causes between a state and citizens of another state, nor between citizens of different states; nor to make any laws relative to the transfer of property between those parties, nor any other matter which shall originate in the body of any state.

"4. It shall be left to every state to make and execute its own laws, except laws impairing contracts, which shall not be made at all.

"5. Congress shall not incorporate any trading companies, nor alienate the territory of any state. And no treaty, ordinance or law of the United States shall be valid for these purposes.

"6. Each state shall have the command of its own militia.

"7. No continental army shall come within the limits of any

state, other than garrison to guard the publick stores, without the consent of such states in time of peace.

"8. The president shall be chosen annually and shall serve but one year, and shall be chosen successively from the different states, changing every year.

"9. The judicial department shall be confined to cases in which ambassadours are concerned, to cases depending upon treaties, to offences committed upon the high seas, to the capture of prizes, and to cases in which a foreigner residing in some foreign country shall be a party, and an American state or citizen shall be the other party, provided no suit shall be brought upon a state note.

"10. Every state may emit bills of credit without making them a tender, and may coin money, of silver, gold or copper, according to the continental standard.

"11. No powers shall be exercised by Congress or the president but such as are expressly given by this constitution and not excepted against by this declaration. And any officer of the United States offending against an individual state shall be held accountable to such state, as any other citizen would be.

"12. No officer of Congress shall be free from arrest for debt [but] by authority of the state in which the debt shall be due.

"13. Nothing in this constitution shall deprive a citizen of any state of the benefit of the bill of rights established by the constitution of the state in which he shall reside, and such bill of rights shall be considered as valid in any court of the United States where they shall be pleaded.

"14. In all those causes which are triable before the continental courts, the trial by jury shall be held sacred."

These at present appear to me the most important points to be guarded. I have mentioned a reservation of excise to the separate states, because it is necessary, that they should have some way to discharge their own debts, and because it is placing them in an humiliating & disgraceful situation to depute them to transact the business of international government without the means to carry it on. It is necessary also, as a check on the national government, for it has hardly been known that any government

having the powers of war, peace, and revenue, has failed to engage in needless and wanton expense. A reservation of this kind is therefore necessary to preserve the importance of the state governments: without this the extremes of the empire will in a very short time sink into the same degradation and contempt with respect to the middle state as Ireland, Scotland, & Wales, are in with regard to England. All the men of genius and wealth will resort to the seat of government, that will be center of revenue, and of business, which the extremes will be drained to supply.

This is not mere vision, it is justified by the whole course of things. We shall, therefore, if we neglect the present opportunity to secure ourselves, only increase the number of proofs already too many, that mankind are incapable of enjoying their liberty. I have been the more particular in stating the amendments to be made, because many gentlemen think it would be preferable to receive the new system with corrections. I have by this means brought the corrections into one view, and shown several of the principal points in which it is unguarded. As it is agreed, at least professedly, on all sides, that those rights should be guarded, it is among the inferior questions in what manner it is done, provided it is absolutely and effectually done. For my own part, I am fully of opinion that it would be best to reject this plan, and pass an explicit resolve, defining the powers of Congress to regulate the intercourse between us and foreign nations, under such restrictions as shall render their regulations equal in all parts of the empire. The impost, if well collected, would be fully equal to the interest of the foreign debt, and the current charges of the national government. It is evidently for our interest that the charges should be as small as possible. It is also for our interest that the western lands should, as fast as possible, be applied to the purpose of paying the home debt. Internal taxation and that fund have already paid two-thirds of the whole debt, notwithstanding the embarrassments usual at the end of a war.

We are now rising fast above our difficulties; everything at home has the appearance of improvement, government is well

established, manufactures increasing rapidly, and trade expanding. Till since the peace we never sent a ship to India, and the present year, it is said, sends above a dozen vessels from this state only, to the countries round the Indian ocean. Vast quantities of our produce are exported to those countries. It has been so much the practice of European nations to farm out this branch of trade, that we ought to be exceedingly jealous of our right. The manufactures of the state probably exceed in value one million pounds for the last year. Most of the useful and some ornamental fabricks are established. There is great danger of these improvements being injured unless we practice extreme caution at setting out. It will always be for the interest of the southern states to raise a revenue from the more commercial ones. It is said that the consumer pays it. But does not a commercial state consume more foreign goods than a landed one? The people are more crowded, and of consequence the land is less able to support them. We know it is to be a favourite system to raise the money where it is. But the money is to be expended at another place, and is therefore so much withdrawn annually from our stock. This is a single instance of the difference of interest; it would be very easy to produce others. Innumerable as the differences of manners, and these produce differences in the laws. Uniformity in legislation is of no more importance than in religion. Yet the framers of this new constitution did not even think it necessary that the president should believe that there is a God, although they require an oath of him. It would be easy to shew the propriety of a general declaration upon that subject. But this paper is already extended to so far [sic].

Another reason which I had in stating the amendments to be made, was to shew how nearly those who are for admitting the system with the necessary alterations, agree with those who are for rejecting this system and amending the confederation. In point of convenience, the confederation amended would be infinitely preferable to the proposed constitution. In amending the former, we know the powers granted, and are subject to no perplexity; but in reforming the latter, the business is excessively intricate, and great part of the checks on Congress are lost. It

is to be remembered too, that if you are so far charmed with eloquence, and misled by fair representations and charitable constructions, as to adopt an undefined system, there will be no saying afterwards that you were mistaken, and wish to correct it. *It will then be the constitution of our country, and entitled to defence.* If Congress should chuse to avail themselves of a popular commotion to continue in being, as the fourth section justifies, and as the British parliament has repeatedly done, the only answer will be, that it is the constitution of our country, and the people chose it. It is therefore necessary to be exceedingly critical. Whatsoever way shall be chosen to secure our rights, the same resolve ought to contain the whole system of amendment. If it is rejected, the resolve should contain the amendations of the old system; and if accepted, it should contain the corrections of the new one. AGRIPPA.

A writer in the Gazette of 29th January, under the signature of Captain M'Daniel, having with civility and apparent candour, called for an explanation of what was said in one of my former papers, I have chosen to mention him with respect, as the only one of my reviewers who deserves an answer.

REPLIES TO THE STRICTURES

OF

A LANDHOLDER.

BY

ELBRIDGE GERRY,

PRINTED IN

THE MASSACHUSETTS CENTINEL

AND

THE AMERICAN HERALD,

JANUARY—APRIL,

1788.

NOTE.

THE refusal of Gerry to sign or support the Constitution, being the only northern member of the federal convention to do so, made him the general target of attack by the federal writers of New England. To most of these Gerry paid no attention, but the charges of "A Landholder" were so positive, and so evidently written by a fellow member of the federal convention, that an answer was necessary.

To neither of the two pieces here printed did Gerry put his name, but the subject and internal evidence are both conclusive that they were written by him. Not being able to find a copy of the *American Herald*, I have been compelled to reprint the second article from the *New York Journal*. For more on this subject see the letters of A Landholder and of Luther Martin in this collection.

REPLY TO A LANDHOLDER, I.

THE MASSACHUSETTS CENTINEL,

(Number 32 of Volume VIII)

SATURDAY, JANUARY 5, 1788.

MR. RUSSELL:

You are desired to inform the publick from good authority, that Mr. GERRY, by giving his dissent to the proposed Constitution, could have no motives for preserving an office, for he holds none under the United States, or any of them; that he has not, as has been asserted, exchanged Continental for State Securities, and if he had, it would have been for his interest to have supported the new system, because thereby the states are restrained from impairing the obligation of contracts, and by a transfer of such securities, they may be recovered in the new federal court; that he never heard, in the Convention, a motion made, much less did make any, "for the redemption of the old continental money;" but that he proposed the public debt should be made neither better nor worse by the new system, but stand precisely on the same ground by the Articles of Confederation; that had there been such a motion, he was not interested in it, as he did not then, neither does he now, own the value of ten pounds in continental money; that he neither was called on for his reasons for not signing, but stated them fully in the progress of the business. His objections are chiefly contained in his letter to the Legislature; that he believes his colleagues men of too much honour to assert what is not truth; that his reasons in the Convention "were totally different from those which he published," that his only motive for dissenting from the Constitution, was a

firm persuasion that it would endanger the liberties of America; that if the people are of a different opinion, they have a right to adopt; but he was not authorized to an act, which appeared to him was a surrender of their liberties; that a representative of a free state, he was bound in honour to vote according to his idea of her true interest, and that he should do the same in similar circumstances.

Cambridge, January 3, 1788.

REPLY TO A LANDHOLDER, II.

THE NEW YORK JOURNAL,

(Number 2282)

WEDNESDAY, APRIL 30, 1788.

From the American Herald, printed at Boston.

MR. GREENLEAF,

As the Connecticut Landholder's publications are dispersed throughout the state, it will be useful for the sake of truth to publish the following.

TO THE PUBLIC.

An elegant writer, under the signature of "A Landholder," having in a series of publications, with a modesty and delicacy peculiar to himself, undertaken to instruct members of legislatures, executives, and conventions, in their duty respecting the new constitution, is, in stating facts, unfortunate, in being repeatedly detected in errors; but his perseverance therein does honor "to his magnanimity," and reminds me of Dr. Sangerado (in Gil Blas) who being advised to alter his practice, as it was founded on false principles and destructive to his patients, firmly determined to pursue it, because he had written a book in support of it. Had our learned author, the modern Sangerado, confined himself to facts and to reasoning on the constitution, he might have continued to write without interruption from its opposers, until by instructing others, he had obtained that instruction which he seems to need, or a temporary relief from the inenviable malady, the cacoethes scribendi; but his frequent misrepresentations having exposed him to suspicions that as a disciple of Mande-

ville he was an advocate for vice, or that to correct his curiosity some humourist has palmed on him a spurious history of the proceedings of the federal convention, and exhibited his credulity as a subject of ridicule, it is proper to set him right in facts, which, in almost every instance he has mistated.

In a late address to the honorable Luther Martin, Esquire, the Landholder has asserted, that Mr. Gerry "uniformly opposed Mr. Martin's principles," but this is a circumstance wholly unknown to Mr. Gerry, until he was informed of it by the Conneticut Landholder; indeed Mr. Gerry from the first acquaintance with Mr. Martin, has "uniformly had a friendship for him."

This writer has also asserted, "that the day Mr. Martin took his seat in convention, without requesting information, or to be let into the reasons of the adoption of what he might not approve, he opened against them in a speech which held during two days." But the facts are, that Mr. Martin had been a considable time in convention before he spoke; that when he entered into the debates he appeared not to need "information," as he was fully possessed of the subject; and that his speech, if published, would do him great honor.

Another assertion of this famous writer is, that Mr. Gerry in "a sarcastical reply, admired the strength of Mr. Martin's lungs, and his profound knowledge in the first principles of government;" that "this reply" "left him a prey to the most humiliating reflections; but these did not teach him to bound his future speeches by the lines of moderation; for the very next day he exhibited, without a blush, another specimen of eternal volubility." This is so remote from the truth, that no such reply was made by Mr. Gerry to Mr. Martin, or to any member of the convention; on the contrary, Mr. Martin, on the first day he spoke, about the time of adjournment, signified to the convention that the heat of the season, and his indisposition prevented his proceeding, and the house adjourned without further debate, or a reply to Mr. Martin from any member whatever.

Again, the Landholder has asserted that Mr. Martin voted "an appeal should lay to the supreme judiciary of the United States for the correction of all errors both in law and fact," and "agreed

to the clause that declares nine states to be sufficient to put the government in motion:" and in a note says, "Mr. Gerry agreed with Mr. Martin on these questions." Whether there is any truth in the assertions as they relate to Mr. Martin, he can best determine; but as they respect Mr. Gerry, they reverse the facts; for he not only voted against the first proposition (which is not stated by the Landholder, with the accuracy requisite for a writer on government) but contended for jury trials in civil cases, and declared his opinion, that a federal judiciary with the powers above mentioned, would be as oppressive and dangerous, as the establishment of a star-chamber, and as to the clause that "declares nine states to be sufficient to put the government in motion," Mr. Gerry was so much opposed to it, as to vote against it in the first instance, and afterwards to move for a reconsideration of it.

The Landholder having in a former publication asserted "that Mr. Gerry introduced a motion, respecting the redemption of old continental money" and the public having been informed by a paragraph in the Massachusetts Centinel, No. 32, of vol. 8, as well as by the honorable Mr. Martin, that neither Mr. Gerry, or any other member, had introduced such a proposition, the Landholder now says that "out of 126 days, Mr. Martin attended only 66," and then enquires "whether it is to be presumed that Mr. Martin could have been minutely informed, of all that happened in convention, and committees of convention, during the sixty days of absence?" and "Why is it that we do not see Mr. McHenry's verification of his assertion, who was of the committee for considering a provision for the debts of the union?" But if these enquiries were intended for subterfuges, unfortunately for the Landholder, they will not avail him: for, had Mr. Martin not been present at the debates on this subject, the fact is, that Mr. Gerry was not on a committee with Mr. McHenry, or with any other person, for considering a provision for the debts of the union, or any provision that related to the subject of old continental money; neither did he make any proposition, in convention, committee, or on any occasion, to any member of convenvention or other person, respecting the redemption of such money; and the assertions of the Landholder to the contrary, are altogether destitute of the shadow of truth.

The Landholder addressing Mr. Martin, further says, "Your reply to my second charge against Mr. Gerry, may be soon dismissed: compare his letter to the legislature of his state, with your defence, and you will find, that you have put into his mouth, objections different from anything it contains, so that if your representation be true, his must be false." The objections referred to, are those mentioned by Mr. Martin, as being made by Mr. Gerry, against the supreme power of Congress over the militia. Mr. Gerry, in his letter to the legislature, states as an objection, "That some of the powers of the federal legislature are ambiguous, and others (meaning the unlimited power of Congress, to keep up a standing army, in time of peace, and their entire controul of the militia) are indefinite and dangerous." Against both these did Mr. Gerry warmly contend, and why his representations must be false, if Mr. Martin's are true, which particularized what Mr. Gerry's stated generally, can only be discovered by such a profound reasoner, as the Connecticut Landholder.

The vanity of this writer, in supposing that his charges would be the subject of constitutional investigation, can only be equalled by his impertinence, in interfering with the politics of other states, or by his ignorance, in supposing a state convention could take cognizance of such matters as he calls charges, and that Mr. Gerry required a formal defence, or the assistance of his colleagues, to defeat the unprovoked and libellous attacks of the Landholder, or any other unprincipled reviler.

The landholder says: "That Mr. Martin thought the deputy attorney-general of the United States, for the state of Maryland, destined for a different character, and that inspired him with the hope that he might derive from a desperate opposition, what he saw no prospect of gaining by a contrary conduct; but the landholder ventures to predict, that though Mr. Martin was to double his efforts he would fail in his object." By this we may form some estimate of the patriotism of the landholder, for, whilst he so readily resolves Mr. Martin's conduct into a manœuvre for office, he gives too much reason to suppose, that he himself has no idea of any other motive in conducting politicks. But how can the landholder ascertain, that "Mr. Martin thought" the

office mentioned "destined for a different character?" Was the landholder present at the destination? If so, it was natural for him, knowing there was a combination against Mr. Martin (however remote this gentleman was from discovering it) to suppose his accidental opposition to the complotters, proceeded from a discovery of the plot. Surely the landholder must have some reason for his conjecture respecting the motives of Mr. Martin's conduct, or to be subject to the charge of publishing calumny, knowing it to be such. If then, this great statesman was in a secret, which has been long impenetrable, he is now entitled to the honor of giving the public the most important information they have received, concerning the origin of the new constitution, and having candidly informed them who is not, he ought to inform who is to fill that office, and all others of the new federal government. It may then, in some measure be ascertained, what individuals have supported the constitution on principles of patriotism, and who under this guise have been only squabbling for office. Perhaps we shall find that the landholder is to have the contract for supplying the standing army under the new government, and that many others, who have recurred to abuse on this occasion, have some such happy prospects; indeed the landholder puts it beyond a doubt, if we can believe him, that it was determined in the privy council of this federal convention, that however Mr. Martin might advocate the new constitution, he should not have the office mentioned; for if this was not the case, how can the landholder so roundly assert that Mr. Martin could have no prospect by a contrary conduct of gaining the office, and so remarkably sanguine is the landholder, that the members of the privy council would be senators of the new Congress, in which case the elections would undoubtedly be made according to the conventional list of nominations, as that he ventures to predict, though Mr. Martin was to double his efforts, he would fail in his object. Thus whilst this blazing star of federalism is taking great pains to hold up Mr. Gerry and Mr. Mason, as having held private meetings "to aggrandize old Massachusetts and the antient dominion" he has confessed enough to shew that his private meetings were solely to aggrandize himself.

THE LETTERS

OF

A LANDHOLDER.

WRITTEN BY

OLIVER ELLSWORTH,

AND PRINTED IN

THE CONNECTICUT COURANT

AND

THE AMERICAN MERCURY,

NOVEMBER, 1787—MARCH, 1788.

NOTE.

THE letters of a Landholder were so obviously written by a a member of the federal convention, that their authorship could not long remain a secret. They were published simultaniously in the *Connecticut Courant* at Hartford and the *American Mercury* at Litchfield, and this so clearly indicated Oliver Ellsworth as the writer that they were at once credited to his pen.

The letters had a very wide circulation, numbers being reprinted as far north as New Hampshire, and as far south as Maryland. They called out several replies, three of which, by Gerry, Williams and Martin, are printed in this collection.

A LANDHOLDER, I.

THE CONNECTICUT COURANT,

(Number 1189)

MONDAY, NOVEMBER 5, 1787.

TO THE HOLDERS AND TILLERS OF LAND.

The writer of the following passed the first part of his life in mercantile employments, and by industry and economy acquired a sufficient sum on retiring from trade to purchase and stock a decent plantation, on which he now lives in the state of a farmer. By his present employment he is interested in the prosperity of agriculture, and those who derive a support from cultivating the earth. An acquaintance with business has freed him from many prejudices and jealousies, which he sees in his neighbors, who have not intermingled with mankind, nor learned by experience the method of managing an extensive circulating property. Conscious of an honest intention he wishes to address his brethren on some political subjects which now engage the public attention, and will in the sequel greatly influence the value of landed property. The new constitution for the United States is now before the public, the people are to determine, and the people at large generally determine right, when they have had means of information.

It proves the honesty and patriotism of the gentlemen who composed the general Convention, that they chose to submit their system to the people rather than the legislatures, whose decisions are often influenced by men in the higher departments of government, who have provided well for themselves and dread any change least they should be injured by its operation. I would

not wish to exclude from a State Convention those gentlemen who compose the higher branches of the assemblies in the several states, but choose to see them stand on an even floor with their brethren, where the artifice of a small number cannot negative a vast majority of the people.

This danger was foreseen by the Federal Convention, and they have wisely avoided it by appealing directly to the people. The landholders and farmers are more than any other men concerned in the present decision whether the proposed alteration is best they are to determine; but that an alteration is necessary an individual may assert. It may be assumed as a fixed truth that the prosperity and riches of the farmer must depend on the prosperity, and good national regulation of trade. Artful men may insinuate the contrary—tell you let trade take care of itself, and excite your jealousy against the merchant because his business leads him to wear a gayer coat, than your economy directs. But let your own experience refute such insinuations. Your property and riches depend on a ready demand and generous price for the produce you can annually spare. When and where do you find this? Is it not where trade flourishes, and when the merchant can freely export the produce of the country to such parts of the world as will bring the richest return? When the merchant doth not purchase, your produce is low, finds a dull market—in vexation you call the trader a jocky, and curse the men whom you ought to pity. A desire of gain is common to mankind, and the general motive to business and industry. You cannot expect many purchases when trade is restricted, and your merchants are shut out from nine-tenths of the ports in the world. While you depend on the mercy of foreign nations, you are the first persons who will be humbled. Confined to a few foreign ports they must sell low, or not at all; and can you expect they will greedily buy in at a high price, the very articles which they must sell under every restriction.

Every foreign prohibition on American trade is aimed in the most deadly manner against the holders and tillers of the land, and they are the men made poor. Your only remedy is such a national government as will make the country respectable; such

a supreme government as can boldly meet the supremacy of proud and self-interested nations. The regulation of trade ever was and ever will be a national matter. A single state in the American union cannot direct much less control it. This must be a work of the whole, and requires all the wisdom and force of the continent, and untill it is effected our commerce may be insulted by every overgrown merchant in Europe. Think not the evil will rest on your merchants alone; it may distress them, but it will destroy those who cultivate the earth. Their produce will bear a low price, and require bad pay; the laborer will not find employment; the value of lands will fall, and the landholder become poor.

While our shipping rots at home by being prohibited from ports abroad, foreigners will bring you such articles and at such price as they please. Even the necessary article of salt has the present year, been chiefly imported in foreign bottoms, and you already feel the consequence, your flax-seed in barter has not returned you more than two-thirds of the usual quantity. From this beginning learn what is to come.

Blame not our merchants, the fault is not in them but in the public. A Federal government of energy is the only means which will deliver us, and now or never is your opportunity to establish it, on such a basis as will preserve your liberty and riches. Think not that time without your own exertions will remedy the disorder. Other nations will be pleased with your poverty; they know the advantage of commanding trade, and carrying in their own bottoms. By these means they can govern prices and breed up a hardy race of seamen, to man their ships of war when they wish again to conquer you by arms. It is strange the holders and tillers of the land have had patience so long. They are men of resolution as well as patience, and will I presume be no longer deluded by British emissaries, and those men who think their own offices will be hazarded by any change in the constitution. Having opportunity, they will cooly demand a government which can protect what they have bravely defended in war.

A LANDHOLDER.

A LANDHOLDER, II.

THE CONNECTICUT COURANT,

(Number 1190)

MONDAY, NOVEMBER 12, 1787.

TO THE HOLDER AND TILLERS OF LAND.

Gentlemen,

You were told in the late war that peace and Independence would reward your toil, and that riches would accompany the establishment of your liberties, by opening a wider market, and consequently raising the price of such commodities as America produces for exportation.

Such a conclusion appeared just and natural. We had been restrained by the British to trade only with themselves, who often re-exported to other nations, at a high advance, the raw materials they have procured from us. This advance we designed to realize, but our expectation has been disappointed. The produce of the country is in general down to the old price, and bids fair to fall much lower. It is time for those who till the earth in the sweat of their brow to enquire the cause. And we shall find it neither in the merchant or farmer, but in a bad system of policy and government, or rather in having no system at all. When we call ourselves an independent nation it is false, we are neither a nation, nor are we independent. Like thirteen contentious neighbors we devour and take every advantage of each other, and are without that system of policy which gives safety and strength, and constitutes a national structure. Once we were dependent only on Great-Britain, now we are dependent on every petty state

in the world and on every custom house officer of foreign ports. If the injured apply for redress to the assemblies of the several states, it is in vain, for they are not, and cannot be known abroad. If they apply to Congress, it is also vain, for however wise and good that body may be, they have not power to vindicate either themselves or their subjects.

Do not my countrymen fall into a passion on hearing these truths, nor think your treatment unexampled. From the beginning it hath been the case that people without policy will find enough to take advantage of their weakness, and you are not the first who have been devoured by their wiser neighbours, but perhaps it is not too late for a remedy, we ought at least to make a trial, and if we still die shall have this consolation in our last hours, that we tried to live.

I can foresee that several classes of men will try to alarm your fears, and however selfish their motives, we may expect that liberty, the encroachments of power, and the inestimable privileges of dear posterity will with them be fruitful topicks of argument. As holy scripture is used in the exorcisms of Romish priests to expel imaginary demons; so the most sacred words will be conjured together to oppose evils which have no existence in the new constitution, and which no man dare attempt to carry into execution, among a people of so free a spirit as the Americans. The first to oppose a federal government will be the old friends Great Britain, who in their hearts cursed the prosperity of your arms, and have ever since delighted in the perplexity of your councils. Many of these men are still among us, and for several years their hopes of a reunion with Britain have been high. They rightly judge that nothing will so soon effect their wishes as the deranged state we are now in, if it should continue. They see that the merchant is weary of a government which cannot protect his property, and that the farmer finding no benefit from the revolution, begins to dread much evil; and they hope the people will soon supplicate the protection of their old masters. We may therefore expect that all the policy of these men will center in defeating those measures which will protect the people, and give system and force to American councils. I was lately

in a circle where the new constitution was discussed. All but one man approved. He was full of trembling for the liberties of poor America. It was strange! It was wondorous strange to see his concern! After several of his arguments had been refuted by an ingenious farmer in the company, but, says he, it is against the treaty of peace, we received independence from Great Britain on condition of our keeping the old constitution. Here the man came out! We had beat the British with a bad frame of government, and with a good one he feared we should eat them up. Debtors in desperate circumstances, who have not resolution to be either honest or industrious, will be the next men to take the alarm. They have long been upheld by the property of their creditors and the mercy of the public, and daily destroy a thousand honest men who are unsuspicious. Paper money and tender acts, is the only atmosphere in which they can breath, and live. This is now so generally known that by being a friend to such measures a man effectually advertises himself as a bankrupt. The opposition of these we expect, but for the sake of all honest and industrious debtors, we most earnestly wish the proposed constitution may pass, for whatever gives a new spring to business will extricate them from their difficulties.

There is another kind of people will be found in the opposition. Men of much self importance and supposed skill in politics, who are not of sufficient consequence to obtain public employment, but can spread jealousies in the little districts of country where they are placed. These are always jealous of men in place and of public measures, and aim at making themselves consequential by distrusting every one in the higher offices of society.

It is a strange madness of some persons, immediately to distrust those who are raised by the free suffrages of the people, to sustain powers which are absolutely necessary for public safety. Why were they elevated but for a general reputation of wisdom and integrity; and why should they be distrusted, untill by ignorance or some base action they have forfeited a right to our confidence?

To fear a general government or energetic principles least it should create tyrants, when without such a government all have

an opportunity to become tyrants and avoid punishment, is fearing the possibility of one act of oppression, more than the real exercise of a thousand. But in the present case, men who have lucrative and influential state offices, if they act from principles of self-interest, will be tempted to oppose an alteration, which would doubtless be beneficial to the people. To sink from a controlment of finance, or any other great department of the state, thro' want of ability or opportunity to act a part in the federal system, must be a terrifying consideration. Believe not those who insinuate that this is a scheme of great men to grasp more power. The temptation is on the other side. Those in great offices never wish to hazard their places by such a change. This is the scheme of the people, and those high and worthy characters who in obedience to the public voice offer the proposed amendment of our federal constitution thus esteemed it, or they would have determined state Conventions as the tribunal of ultimate decision. This is the last opportunity you may have to adopt a government which gives all protection to personal liberty, and at the same time promises fair to afford you all the advantages of a sovereign empire. While you deliberate with coolness, be not duped by the artful surmises of such as from their own interest or prejudice are blind to the public good. A LANDHOLDER.

A LANDHOLDER, III.

THE CONNECTICUT COURANT.

(Number 1191)

MONDAY, NOVEMBER 19, 1787.

TO THE HOLDERS AND TILLERS OF LAND.

Gentlemen,

When we rushed to arms for preventing British usurpation, liberty was the argument of every tongue.

This word would open all the resources of the country and draw out a brigade of militia rapidly as the most decisive orders of a despotic government. Liberty is a word which, according as it is used, comprehends the most good and the most evil of any in the world. Justly understood it is sacred next to those which we appropiate in divine adoration; but in the mouths of some it means anything, which enervate a necessary government; excite a jealousy of the rulers who are our own choice, and keep society in confusion for want of a power sufficiently concentered to promote its good. It is not strange that the licentious should tell us a government of energy is inconsistent with liberty, for being inconsistent with their wishes and their vices, they would have us think it contrary to human happiness. In the state this country was left by the war, with want of experience in sovereignty, and the feelings which the people then had; nothing but the scene we had passed thro' could give a general conviction that an internal government of strength is the only means of repressing external violence, and preserving the national rights of the people against the injustice of their own brethren. Even the common duties of humanity will gradually go out of use, when the consti-

tution and laws of a country do not insure justice from the public and between individuals. American experience, in our present deranged state, hath again proved these great truths, which have been verified in every age since men were made and became sufficiently numerous to form into public bodies. A government capable of controling the whole, and bringing its force to a point, is one of the prerequisites for national liberty. We combine in society, with an expectation to have our persons and properties defended against unreasonable exactions either at home or abroad. If the public are unable to protest against the unjust impositions of foreigners, in this case we do not enjoy our natural rights, and a weakness of government is the cause. If we mean to have our natural rights and properties protected, we must first create a power which is able to do it, and in our case there is no want of resources, but a civil constitution which may draw them out and point their force.

The present question is, shall we have such a constitution or not? We allow it to be a creation of power; but power when necessary for our good is as much to be desired as the food we eat or the air we breathe. Some men are mightily afraid of giving power lest it should be improved for oppression; this is doubtless possible, but where is the probability. The same objection may be made against the constitution of every state in the union, and against every possible mode of government; because a power of doing good always implies a power to do evil if the person or party be disposed.

The right of the legislature to ordain laws binding on the people, gives them a power to make bad laws.

The right of the judge to inflict punishment, gives him both power and opportunity to oppress the innocent; yet none but crazy men will from thence determine that it is best to have neither a legislature nor judges.

If a power to promote the best interest of the people, necessarily implies a power to do evil, we must never expect such a constitution in theory as will not be open in some respects to the objections of carping and jealous men. The new Constitution is perhaps more cautiously guarded than any other in the world,

and at the same time creates a power which will be able to protect the subject; yet doubtless objections may be raised, and so they may against the constitution of each state in the union. In Connecticut the laws are the constitution by which the people are governed, and it is generally allowed to be the most free and popular in the thirteen states. As this is the state in which I live and write, I will instance several things which with a proper coloring and a spice of jealousy appear most dangerous to the natural rights of the people, yet they have never been dangerous in practice, and are absolutely necessary at some times to prevent much greater evil.

The right of taxation or of assessing and collecting money out of the people, is one of those powers which may prove dangerous in the exercise, and which by the new constitution is vested solely in representatives chosen for that purpose. But by the laws of Connecticut, this power called so dangerous may be exercised by selectmen of each town, and this not only without their consent but against their express will, where they have considered the matter, and judge it improper. This power they may exercise when and so often as they judge necessary! Three justices of the quorum may tax a whole county in such sums as they think meet, against the express will of all the inhabitants. Here we see the dangerous power of taxation vested in the justices of the quorum and even in selectmen, men whom we should suppose as likely to err and tyrannize as the representatives of three millions of people in solemn deliberation, and amenable to the vengeance of their constitutents, for every act of injustice. The same town officers have equal authority where personal liberty is concerned, in a matter more sacred than all the property in the world, the disposal of your children. When they judge fit, with the advice of one justice of the peace, they may tear them from the parent's embrace, and place them under the absolute control of such masters as they please; and if the parent's reluctance excites their resentment, they may place him and his property under overseers. Fifty other instances fearfull as these might be collected from the laws of the state, but I will not repeat them lest my readers should be alarmed where there is no danger. These regulations

are doubtless best; we have seen much good and no evil come from them. I adduce these instances to shew, that the most free constitution when made the subject of criticism may be exhibited in frightful colors, and such attempts we must expect against that now proposed. If, my countrymen, you wait for a constitution which absolutely bars a power of doing evil, you must wait long, and when obtained it will have no power of doing good. I allow you are oppressed, but not from the quarter that jealous and wrongheaded men would insinuate. You are oppressed by the men, who to serve their own purposes would prefer the shadow of government to the reality. You are oppressed for the want of power which can protect commerce, encourage business, and create a ready demand for the productions of your farms. You are become poor; oppression continued will make wise men mad. The landholders and farmers have long borne this oppression, we have been patient and groaned in secret, but can promise for ourselves no longer; unless relieved, madness may excite us to actions we now dread. A LANDHOLDER.

THE LANDHOLDER, IV.

THE CONNECTICUT COURANT, 2.

(Number 1192)

MONDAY, NOVEMBER 26, 1787.

*Remarks on the objections made by the Hon. Elbridge Gerry, to the new Constitution.**

TO THE LANDHOLDERS AND FARMERS.

To censure a man for an opinion in which he declares himself honest, and in a matter of which all men have a right to judge, is highly injurious; at the same time, when the opinions even of honorable men are submitted to the people, a tribunal before which the meanest citizen hath a right to speak, they must abide the consequence of public stricture. We are ignorant whether the honorable gentlemen possesses state dignities or emoluments which will be endangered by the new system, or hath motives of personality to prejudice his mind and throw him into the opposition; or if it be so, do not wish to evade the objections by such a charge. As a member of the General Convention, and deputy from a great state, this honorable person hath a right to speak and be heard. It gives pleasure to know the extent of what may be objected or even surmised, by one whose situation was the best to espy danger, and mark the defective parts of the constitution if any such there be. Mr. Gerry, tho' in the character of an objector, tells us "he was fully convinced that to preserve the union an efficient government was indispensibly necessary, and that it would be difficult to make proper amendmeuts to the old

* Printed in *Elliot*, I, 492.—*Ed.*

articles of confederation," therefore by his own confession there was an indispensible necessity of a system, in many particulars entirely new. He tell us further " that if the people reject this altogether, anarchy may ensue," and what situation can be pictured more awful than a total dissolution of all government? Many defects in the constitution had better be risked than to fall back into that state of rude violence, in which every man's hand is against his neighbor, and there is no judge to decide between them, or power of justice to control. But we hope to shew that there are no alarming defects in the proposed structure of government, and that while a public force is created, the liberties of the people have every possible guard.

Several of the honourable Gentlemen's objections are expressed in such vague and indecisive terms, that they rather deserve the name of insinuations, and we know not against what particular parts of the system they are pointed. Others are explicit, and if real deserve serious attention. His first objection is " that there is no adequate provision for representation of the people." This must have respect either to the number of representatives, or to the manner in which they are chosen. The proper number to constitute a safe representation is a matter of judgment, in which honest and wise men often disagree. Were it possible for all the people to convene and give their personal assent, some would think this the best mode of making laws, but in the present instance it is impracticable. In towns and smaller districts where all the people may meet conveniently and without expense this is doubtless preferable. The state representation is composed of one or two from every town and district, which composes an assembly not so large as to be unwieldy in acting, nor so expensive as to burden the people. But if so numerous a representation were made from every part of the United States, with our present population, the new Congress would consist of three thousand men; with the population of Great Britain, to which we may arrive in half a century, of ten thousand; and with the population of France, which we shall probably equal in a century and a half, of thirty thousand.

Such a body of men might be an army to defend the country

in case of foreign invasion, but not a legislature, and the expense to support them would equal the whole national revenue. By the proposed constitution the new Congress will consist of nearly one hundred men; when our population is equal to Great Britain of three hundred men, and when equal to France of nine hundred. Plenty of Lawgivers! why any gentlemen should wish for more is not conceivable.

Considering the immense territory of America, the objection with many will be on the other side; that when the whole is populated it will constitute a legislature unmanageable by its numbers. Convention foreseeing this danger, have so worded the article, that if the people should at any future time judge necessary, they may diminish the representation.

As the state legislatures have to regulate the internal policy of every town and neighborhood, it is convenient enough to have one or two men, particularly acquainted with every small district of country, its interests, parties and passions. But the federal legislature can take cognizance only of national questions and interests which in their very nature are general, and for this purpose five or ten honest and wise men chosen from each state; men who have had previous experience in state legislation, will be more competent than an hundred. From an acquaintance with their own state legislatures, they will always know the sense of the people at large, and the expense of supporting such a number will be as much as we ought to incur.

If the Hon. gentleman, in saying "there is not adequate provision for the representation of the people," refers to the manner of choosing them, a reply to this is naturally blended with its second objection, that "they would have no security for the right of election." It is impossible to conceive what greater security can be given, by any form of words, than we here find.

The federal representatives are to be chosen by the votes of the people. Every freeman is an elector. The same qualification which enables you to vote for state representatives, gives you a federal voice. It is a right you cannot lose, unless you first annihilate the state legislature, and declare yourself incapable of electing, which is a degree of infatuation improbable as a second deluge to drown the world.

Your own assemblies are to regulate the formalities of this choice, and unless they betray you, you cannot be betrayed. But perhaps it may be said, Congress have a power to control this formality as to the time and places of electing, and we allow they have: but this objection which at first looks frightful was designed as a guard to the privileges of the electors. Even state assemblies may have their fits of madness and passion, this tho' not probable is possible.

We have a recent instance in the state of Rhode Island, where a desperate junto are governing contrary to the sense of a great majority of the people. It may be the case in any other state, and should it happen, that the ignorance or rashness of the state assemblies, in a fit of jealousy, should deny you this sacred right, the deliberate justice of the continent is enabled to interpose and restore you a federal voice. This right is therefore more inviolably guarded than it can be by the government of your state, for it is guaranteed by the whole empire. Tho' out of the order in which the Hon. gentleman proposes his doubts, I wish here to notice some questions which he makes. The proposed plan among others he tells us involves these questions: "Whether the several state governments, shall be so altered as in effect to be dissolved? Whether in lieu of the state governments the national constitution now proposed shall be substituted?" I wish for sagacity to see on what these questions are founded. No alteration in the state governments is even now proposed, but they are to remain identically the same that they are now. Some powers are to be given into the hands of your federal representatives, but these powers are all in their nature general, such as must be exercised by the whole or not at all, and such as are absolutely necessary; or your commerce, the price of your commodities, your riches and your safety, will be the sport of every foreign adventurer. Why are we told of the dissolution of our state governments, when by this plan they are indissolubly linked? They must stand or fall, live or die together. The national legislature consists of two houses, a senate and house of representatives. The senate is to be chosen by the assemblies of the particular states; so that if the assemblies are dissolved, the senate dissolves

with them. The national representatives are to be chosen by the same electors, and under the same qualifications, as choose the state representatives; so that if the state representation be dissolved, the national representation is gone of course.

State representation and government is the very basis of the congressional power proposed. This is the most valuable link in the chain of connection, and affords double security for the rights of the people. Your liberties are pledged to you by your own state, and by the power of the whole empire. You have a voice in the government of your own state, and in the government of the whole, Were not the gentleman on whom the remarks are made very honorable, and by the eminence of office raised above a suspicion of cunning, we should think he had, in this instance, insinuated merely to alarm the fears of the people. His other objections will be mentioned in some future number of the

LANDHOLDER.

THE LANDHOLDER, V.

THE CONNECTICUT COURANT.

(Number 1193)

MONDAY, DECEMBER 3, 1787.

Continuation of Remarks on the Hon. Elbridge Gerry's Objections to the new Constitution.

TO THE LANDHOLDERS AND FARMERS.

It is unhappy both for Mr. Gerry and the public, that he was not more explicit in publishing his doubts. Certainly this must have been from inattention, and not thro' any want of ability; as all his honorable friends allow him to be a politician even of metaphysical nicety.

In a question of such magnitude, every candid man will consent to discuss objections, which are stated with perspicuity; but to follow the honorable writer into the field of conjecture, and combat phantoms, uncertain whether or not they are the same which terrified him, is a task too laborious for patience itself. Such must be the writer's situation in replying to the next objection, "that some of the powers of the legislature are ambiguous, and others indefinite and dangerous." There are many powers given to the legislature; if any of them are dangerous, the people have a right to know which they are, and how they will operate, that we may guard against the evil. The charge of being ambiguous and indefinite may be brought against every human composition, and necessarily arises from the imperfection of language. Perhaps no two men will express the same sentiment in the same manner, and by the same words; neither do they connect precisely the same ideas with the same words. From hence arises an ambigu-

ity in all language, with which the most perspicuous and precise writers are in a degree chargeable. Some persons never attain to the happy art of perspicuous expression, and it is equally true that some persons thro' a mental defect of their own, will judge the most correct and certain language of others to be indefinite and ambiguous. As Mr. Gerry is the first and only man who has charged the new Constitution with ambiguousness, is there not room to suspect that his understanding is different from other men's, and whether it be better of worse, the Landholder presumes not to decide.

It is an excellency of this Constitution that it is expressed with brevity, and in the plain, common language of mankind.

Had it swelled into the magnitude of a volume, there would have been more room to entrap the unwary, and the people who are to be its judges would have had neither patience nor opportunity to understand it. Had it been expressed in the scientific language of law, or those terms of art which we often find in political compositions, to the honorable gentleman it might have appeared more definite and less ambiguous; but to the great body of the people altogether obscure, and to accept it they must leap into the dark.

The people to whom in this case the great appeal is made, best understand those compositions which are concise and in their own language. Had the powers given to the legislature been loaded with provisos, and such qualifications as a lawyer who is so cunning as even to suspect himself, would probably have intermingled; there would have been much more of a deception in the case. It would not be difficult to shew that every power given to the legislature is necessary for national defence and justice, and to protect the rights of the people who create this authority for their own advantage; but to consider each one particularly would exceed the limits of my design.

I shall, therefore, select two powers given them, which have been more abused to oppress and enslave mankind, than all the others with which this or any legislature on earth is cloathed—the right of taxation or of collecting money from the people; and of raising and supporting armies.

These are the powers which enable tyrants to scourge their subjects; and they are also the very powers by which good rulers protect the people against the violence of wicked and overgrown citizens, and invasion by the rest of mankind. Judge candidly what a wretched figure the American empire will exhibit in the eye of other nations, without a power to array and support a military force for its own protection. Half a dozen regiments from Canada or New-Spain, might lay whole provinces under contribution, while we were disputing who has power to pay and raise an army. This power is also necessary to restrain the violence of seditious citizens. A concurrence of circumstances frequently enables a few disaffected persons to make great revolutions, unless government is vested with the most extensive powers of self-defence. Had Shays, the malecontent of Massachussetts, been a man of genius, fortune and address, he might have conquered that state, and by the aid of a little sedition in the other states, and an army proud by victory, become the monarch and tyrant of America. Fortunately he was checked; but should jealousy prevent vesting these powers in the hands of men chosen by yourselves, and who are under every constitutional restraint, accident or design will in all probability raise up some future Shays to be the tyrant of your children.

A people cannot long retain their freedom, whose government is incapable of protecting them.

The power of collecting money from the people, is not to be rejected because it has sometimes been oppressive.

Public credit is as necessary for the prosperity of a nation as private credit is for the support and wealth of a family.

We are this day many millions poorer than we should have been had a well arranged government taken place at the conclusion of the war. All have shared in this loss, but none in so great proportion as the landholders and farmers.

The public must be served in various departments. Who will serve them without a meet recompense? Who will go to war and pay the charges of his own warfare? What man will any longer take empty promises of reward from those, who have no constitutional power to reward or means of fulfilling

them? Promises have done their utmost, more than they ever did in any other age or country. The delusive bubble has broke, and in breaking has beggared thousands, and left you an unprotected people; numerous without force, and full of resources but unable to command one of them. For these purposes there must be a general treasury, with a power to replenish it as often as necessity requires. And where can this power be more safely vested, than in the common legislature, men chosen by yourselves from every part of the union, and who have the confidence of their several states; men who must share in the burdens they impose on others; men who by a seat in Congress are incapable of holding any office under the states, which might prove a temptation to spoil the people for increasing their own income?

We find another objection to be "that the executive is blended with and will have an undue influence over the legislature." On examination you will find this objection unfounded. The supreme executive is vested in a President of the United States; every bill that hath passed the senate and representatives, must be presented to the president, and if he approve it becomes law. If he disapproves, but makes no return within ten days, it still becomes law. If he returns the bill with his objections, the senate and representatives consider it a second time, and if two-thirds of them adhere to the first resolution it becomes law notwithstanding the president's dissent. We allow the president hath an influence, tho' strictly speaking he hath not a legislative voice; and think such an influence must be salutary. In the president all the executive departments meet, and he will be a channel of communication between those who make and those who execute the laws. Many things look fair in theory which in practice are impossible. If lawmakers, in every instance, before their final decree, had the opinion of those who are to execute them, it would prevent a thousand absurd ordinances, which are solemnly made, only to be repealed, and lessen the dignity of legislation in the eyes of mankind.

The vice-president is not an executive officer while the president is in discharge of his duty, and when he is called to preside his legislative voice ceases. In no other instance is there even the shadow of blending or influence between the two departments.

We are further told "that the judicial departments, or those courts of law, to be instituted by Congress, will be oppressive." We allow it to be possible, but from whence arises the probability of this event? State judges may be corrupt, and juries may be prejudiced and ignorant, but these instances are not common; and why shall we suppose they will be more frequent under a national appointment and influence, when the eyes of a whole empire are watching for their detection?

Their courts are not to intermeddle with your internal policy, and will have cognizance only of those subjects which are placed under the control of a national legislature. It is as necessary there should be courts of law and executive officers, to carry into effect the laws of the nation, as that there be courts and officers to execute the laws made by your state assemblies. There are many reasons why their decisions ought not to be left to courts instituted by particular states.

A perfect uniformity must be observed thro' the whole union, or jealousy and unrighteousness will take place; and for a uniformity one judiciary must pervade the whole. The inhabitants of one state will not have confidence in judges appointed by the legislature of another state, in which they have no voice. Judges who owe their appointment and support to one state, will be unduly influenced, and not reverence the laws of the union. It will at any time be in the power of the smallest state, by interdicting their own judiciary, to defeat the measures, defraud the revenue, and annul the most sacred laws of the whole empire. A legislative power, without a judicial and executive under their own control, is in the nature of things a nullity. Congress under the old confederation had power to ordain and resolve, but having no judicial or executive of their own, their most solemn resolves were totally disregarded. The little state of Rhode Island was purposely left by Heaven to its present madness, for a general conviction in the other states, that such a system as is now proposed is our only preservation from ruin. What respect can any one think would be paid to national laws, by judicial and executive officers who are amenable only to the present assembly of Rhode Island? The rebellion of Shays and the present measures of

Rhode Island ought to convince us that a national legislature, judiciary and executive, must be united, or the whole is but a name; and that we must have these, or soon be hewers of wood and drawers of water for all other people.

In all these matters and powers given to Congress, their ordinances must be the supreme law of the land, or they are nothing. They must have authority to enact any laws for executing their own powers, or those powers will be evaded by the artful and unjust, and the dishonest trader will defraud the public of its revenue. As we have every reason to think this system was honestly planned, we ought to hope it may be honestly and justly executed. I am sensible that speculation is always liable to error. If there be any capital defects in this constitution, it is most probable that experience alone will discover them. Provision is made for an alteration if, on trial, it be found necessary.

When your children see the candor and greatness of mind, with which you lay the foundation, they will be inspired with equity to furnish and adorn the superstructure.

A LANDHOLDER.

THE LANDHOLDER, VI.

THE CONNECTICUT COURANT,

(Number 1194)

MONDAY, DECEMBER 10, 1787.

He that is first in his own cause seemeth just; but his neighbor cometh and searcheth him.

TO THE LANDHOLDERS AND FARMERS:

The publication of Col. Mason's* reasons for not signing the new Constitution, has extorted some truths that would otherwise in all probability have remained unknown to us all. His reasons, like Mr. Gerry's, are most of them *ex post facto*, have been revised in New Y—k by R. H. L.† and by him brought into their present artful and insidious form. The factious spirit of R. H. L., his implacable hatred to General Washington, his well-known intrigues against him in the late war, his attempts to displace him and give the command of the American army to General Lee, is so recent in your minds it is not necessary to repeat them. He is supposed to be the author of most of the scurrility poured out in the New-York papers against the new constitution.

Just at the close of the Convention, whose proceedings in general were zealously supported by Mr. Mason, he moved for a clause that no navigation act should ever be passed but with the consent of two-thirds of both branches;‡ urging that a navigation act might otherwise be passed excluding foreign bottoms from

*Printed in Ford's *Pamphlets on the Constitution*, p. 327.

†Richard Henry Lee.

‡Saturday, September 15. See *Papers of James Madison*, III., 1593.

carrying American produce to market, and throw a monopoly of the carrying business into the hands of the eastern states who attend to navigation, and that such an exclusion of foreigners would raise the freight of the produce of the southern states, and for these reasons Mr. Mason would have it in the power of the southern states to prevent any navigation act. This clause, as unequal and partial in the extreme to the southern states, was rejected; because it ought to be left on the same footing with other national concerns, and because no state would have a right to complain of a navigation act which should leave the carrying business equally open to them all. Those who preferred cultivating their lands would do so; those who chose to navigate and become carriers would do that. The loss of this question determined Mr. Mason against the signing the doings of the convention, and is undoubtedly among his reasons as drawn for the southern states; but for the eastern states this reason would not do.* It would convince us that Mr. Mason preferred the subjects of every foreign power to the subjects of the United States who live in New-England; even the British who lately ravaged Virginia—that Virginia, my countrymen, where your relations lavished their blood—where your sons laid down their lives to secure to her and us the freedom and independence in which we now rejoice, and which can only be continued to us by a firm, equal and effective union. But do not believe that the people of Virginia are all thus selfish: No, there is a Washington, a Blair, a Madison and a Lee, (not R. H. L.) and I am persuaded there is a majority of liberal, just and federal men in Virginia, who, whatever their sentiments may be of the new constitution, will despise the artful injustice contained in Col. Mason's reasons as published in the Connecticut papers.

The President of the United States has no council, etc., says Col. Mason. His proposed council † would have been expensive—

* The paragraph containing Mason's objection to the mere majority power of Congress to regulate commerce, was included in all the southern papers, but omitted in copies furnished to the papers north of Maryland.—*Ed.*

† Mason proposed in the convention that the President should have a privy council of six.—*Ed.*

they must constantly attend the president, because the president constantly acts. This council must have been composed of great characters, who could not be kept attending without great salaries, and if their opinions were binding on the president his responsibility would be destroyed—if divided, prevent vigor and dispatch—if not binding, they would be no security. The states who have had such councils have found them useless, and complain of them as a dead weight. In others, as in England, the supreme executive advises when and with whom he pleases; if any information is wanted, the heads of the departments who are always at hand can best give it, and from the manner of their appointment will be trustworthy. Secrecy, vigor, dispatch and responsibility, require that the supreme executive should be one person, and unfettered otherwise than by the laws he is to execute.

There is no Declaration of Rights. Bills of Rights were introduced in England when its kings claimed all power and jurisdiction, and were considered by them as grants to the people. They are insignificant since government is considered as originating from the people, and all the power government now has is a grant from the people. The constitution they establish with powers limited and defined, becomes now to the legislator and magistrate, what originally a bill of rights was to the people. To have inserted in this constitution a bill of rights for the states, would suppose them to derive and hold their rights from the federal government, when the reverse is the case.

There is to be no ex post facto laws. This was moved by Mr. Gerry and supported by Mr. Mason,* and is exceptional only as being unnecessary; for it ought not to be presumed that government will be so tyranical, and opposed to the sense of all modern civilians, as to pass such laws: if they should, they would be void.

The general legislature is restrained from prohibiting the further importation of slaves for twenty odd years. But every state legislature may restrain its own subjects; but if they should not, shall

* This is an error. It was moved by Mason and seconded by Gerry. Cf. *Papers of James Madison, III.*, 1578.

we refuse to confederate with them? their consciences are their own, tho' their wealth and strength are blended with ours. Mr. Mason has himself about three hundred slaves, and lives in Virginia, where it is found by prudent management they can breed and raise slaves faster than they want them for their own use, and could supply the deficiency in Georgia and South Carolina; and perhaps Col. Mason may suppose it more humane to breed than import slaves—those imported having been bred and born free, may not so tamely bear slavery as those born slaves, and from their infancy inured to it; but his objections are not on the side of freedom, nor in compassion to the human race who are slaves, but that such importations render the United States weaker, more vulnerable, and less capable of defence. To this I readily agree, and all good men wish the entire abolition of slavery, as soon as it can take place with safety to the public, and for the lasting good of the present wretched race of slaves. The only possible step that could be taken towards it by the convention was to fix a period after which they should not be imported.

There is no declaration of any kind to preserve the liberty of the press, etc. Nor is liberty of conscience, or of matrimony, or of burial of the dead; it is enough that congress have no power to prohibit either, and can have no temptation. This objection is answered in that the states have all the power originally, and congress have only what the states grant them.

The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several states; thereby rendering law as tedious, intricate and expensive, and justice as unattainable by a great part of the community, as in England; and enable the rich to oppress and ruin the poor. It extends only to objects and cases specified, and wherein the national peace or rights, or the harmony of the states is concerned, and not to controversies between citizens of the same state (except where they claim under grants of different states); and nothing hinders but the supreme federal court may be held in different districts, or in all the states, and that all the cases, except the few in which it has original and not appellate jurisdiction, may in the first instance be had in the state courts and those trials be final except

in cases of great magnitude; and the trials be by jury also in most or all the causes which were wont to be tried by them, as congress shall provide, whose appointment is security enough for their attention to the wishes and convenience of the people. In chancery courts juries are never used, nor are they proper in admiralty courts, which proceed not by municipal laws, which they may be supposed to understand, but by the civil law and law of nations.

Mr. Mason deems the president and senate's power to make treaties dangerous, because they become laws of the land. If the president and his proposed council had this power, or the president alone, as in England and other nations is the case, could the danger be less?—or is the representative branch suited to the making of treaties, which are often intricate, and require much negotiation and secrecy? The senate is objected to as having too much power, and bold unfounded assertions that they will destroy any balance in the government, and accomplish what usurpation they please upon the rights and liberties of the people; to which it may be answered, they are elective and rotative, to the mass of the people; the populace can as well balance the senatorial branch there as in the states, and much better than in England, where the lords are hereditary, and yet the commons preserve their weight; but the state governments on which the constitution is built will forever be security enough to the people against aristocratic usurpations:—The danger of the constitution is not aristrocracy or monarchy, but anarchy.

I intreat you, my fellow citizens, to read and examine the new constitution with candor—examine it for yourselves: you are, most of you, as learned as the objector, and certainly as able to judge of its virtues or vices as he is. To make the objections the more plausible, they are called *The objections of the Hon. George Mason, etc.*—They may possibly be his, but be assured they were not those made in convention, and being directly against what he there supported in one instance ought to caution you against giving any credit to the rest; his violent opposition to the powers given congress to regulate trade, was an open decided preference of all the world to you. A man gov-

erned by such narrow views and local prejudices, can never be trusted; and his pompous declaration in the House of Delegates in Virginia that no man was more federal than himself, amounts to no more than this, "Make a federal government that will secure Virginia all her natural advantages, promote all her interests regardless of every disadvantage to the other states, and I will subscribe to it."

It may be asked how I came by my information respecting Col. Mason's conduct in convention, as the doors were shut? To this I answer, no delegate of the late convention will contradict my assertions, as I have repeatedly heard them made by others in presence of several of them, who could not deny their truth. Whether the constitution in question will be adopted by the United States in our day is uncertain; but it is neither aristocracy or monarchy can grow out of it, so long as the present descent of landed estates last, and the mass of the people have, as at present, a tolerable education; and were it ever so perfect a scheme of freedom, when we become ignorant, vicious, idle, and regardless of the education of our children, our liberties will be lost—we shall be fitted for slavery, and it will be an easy business to reduce us to obey one or more tyrants. A LANDHOLDER.

THE LANDHOLDER, VII.

THE CONNECTICUT COURANT,

(Number 1195)

MONDAY, DECEMBER 17, 1787.

TO THE LANDHOLDERS AND FARMERS.

I have often admired the spirit of candour, liberality, and justice, with which the Convention began and completed the important object of their mission. "In all our deliberation on this subject," say they, "we kept steadily in our view, that which ap-"pears to us the greatest interest of every true American, the "consolidation of our union, in which is involved our prosperity, "felicity, safety, perhaps our national existence. This important "consideration, seriously and deeply impressed on our minds, led "each state in the Convention to be less rigid on points of in-"ferior magnitude, than might otherwise have been expected; "and thus the Constitution which we now present, is the result of "a spirit of amity, and of that mutual deference and concession, "which the peculiarity of our political situation rendered indis-"pensible."

Let us, my fellow citizens, take up this constitution with the same spirit of candour and liberality; consider it in all its parts; consider the important advantages which may be derived from it; let us obtain full information on the subject, and then weigh these objections in the balance of cool impartial reason. Let us see if they be not wholly groundless; but if upon the whole they appear to have some weight, let us consider well, whether they be so important, that we ought on account of them to reject the whole constitution. Perfection is not the lot of human institu-

tions; that which has the most excellencies and fewest faults, is the best that we can expect.

Some very worthy persons, who have not had great advantages for information, have objected against that clause in the constitution which provides, that no religious test shall ever be required as a qualification to any office or public trust under the United States.* They have been afraid that this clause is unfavorable to religion. But my countrymen, the sole purpose and effect of it is to exclude persecution, and to secure to you the important right of religious liberty. We are almost the only people in the world, who have a full enjoyment of this important right of human nature. In our country every man has a right to worship God in that way which is most agreeable to his conscience. If he be a good and peaceable person he is liable to no penalties or incapacities on account of his religious sentiments; or in other words, he is no subject to persecution.

But in other parts of the world, it has been, and still is, far different. Systems of religious error have been adopted, in times of ignorance. It has been the interest of tyrannical kings, popes, and prelates, to maintain these errors. When the clouds of ignorance began to vanish, and the people grew more enlightened, there was no other way to keep them in error, but to prohibit their altering their religious opinions by severe persecuting laws. In this way persecution became general throughout Europe. It was the universal opinion that one religion must be established by law; and that all who differed in their religious opinions, must suffer the vengeance of persecution. In pursuance of this opinion, when popery was abolished in England, and the Church of England was established in its stead, severe penalties were inflicted upon all who dissented from the established church. In the time of the civil wars, in the reign of Charles I., the presbyterians got the upper hand, and inflicted legal penalties upon all who differed from them in their sentiments respecting religious doctrines and discipline. When Charles II. was restored, the Church of England was likewise restored, and the presbyterians and other dissenters were laid under legal penalties and inca-

* See letter of William Williams in this collection.—*Ed.*

pacities. It was in this reign, that a religious test was established as a qualification for office; that is, a law was made requiring all officers civil and military (among other things) to receive the Sacrament of the Lord's Supper, according to the usage of the Church of England, written [within?] six months after their admission to office under the penalty of 500£ and disability to hold the office. And by another statute of the same reign, no person was capable of being elected to any office relating to the government of any city or corporation, unless, within a twelvemonth before, he had received the sacrament according to the rites of the Church of England. The pretence for making these severe laws, by which all but churchmen were made incapable of any office civil or military, was to exclude the papists; but the real design was to exclude the protestant dissenters. From this account of test-laws, there arises an unfavorable presumption against them. But if we consider the nature of them and the effects which they are calculated to produce, we shall find that they are useless, tyrannical, and peculiarly unfit for the people of this country.

A religious test is an act to be done, or profession to be made, relating to religion (such as partaking of the sacrament according to certain rites and forms, or declaring one's belief of certain doctrines,) for the purpose of determining whether his religious opinions are such, that he is admissable to a publick office. A test in favour of any one denomination of Christians would be to the last degree absurd in the United States. If it were in favour of either congregationalists, presbyterians, episcopalions, baptists, or quakers, it would incapacitate more than three-fourths of the American citizens for any publick office; and thus degrade them from the rank of freemen. There need no argument to prove that the majority of our citizens would never submit to this indignity.

If any test-act were to be made, perhaps the least exceptionable would be one, requiring all persons appointed to office to declare, at the time of their admission, their belief in the being of a God, and in the divine authority of the scriptures. In favour of such a test, it may be said, that one who believes these great truths, will not be so likely to violate his obligations to his country, as one

who disbelieves them; we may have greater confidence in his integrity. But I answer: His making a declaration of such a belief is no security at all. For suppose him to be an unprincipled man, who believes neither the word nor the being of God; and to be governed merely by selfish motives; how easy is it for him to dissemble! how easy is it for him to make a public declaration of his belief in the creed which the law prescribes; and excuse himself by calling it a mere formality. This is the case with the test-laws and creeds in England. The most abandoned characters partake of the sacrament, in order to qualify themselves for public employments. The clergy are obliged by law to administer the ordinance unto them, and thus prostitute the most sacred office of religion, for it is a civil right in the party to receive the sacrament. In that country, subscribing to the thirty-nine articles is a test for administration into holy orders. And it is a fact, that many of the clergy do this, when at the same time they totally disbelieve several of the doctrines contained in them. In short, test-laws are utterly ineffectual: they are no security at all; because men of loose principles will, by an external compliance, evade them. If they exclude any persons, it will be honest men, men of principle, who will rather suffer an injury, than act contrary to the dictates of their consciences. If we mean to have those appointed to public offices, who are sincere friends to religion, we, the people who appoint them, must take care to choose such characters; and not rely upon such cob-web barriers as test-laws are.

But to come to the true principle by which this question ought to be determined: The business of a civil government is to protect the citizen in his rights, to defend the community from hostile powers, and to promote the general welfare. Civil government has no business to meddle with the private opinions of the people. If I demean myself as a good citizen, I am accountable, not to man, but to God, for the religious opinions which I embrace, and the manner in which I worship the supreme being. If such had been the universal sentiments of mankind, and they had acted accordingly, persecution, the bane of truth and nurse of error, with her bloody axe and flaming hand, would never have turned so great a part of the world into a field of blood.

But while I assert the rights of religious liberty, I would not deny that the civil power has a right, in some cases, to interfere in matters of religion. It has a right to prohibit and punish gross immoralities and impieties; because the open practice of these is of evil example and detriment. For this reason, I heartily approve of our laws against drunkenness, profane swearing, blasphemy, and professed atheism. But in this state, we have never thought it expedient to adopt a test-law; and yet I sincerely believe we have as great a proportion of religion and morality, as they have in England, where every person who holds a public office, must either be a saint by law, or a hypocrite by practice. A test-law is the parent of hypocrisy, and the offspring of error and the spirit of persecution. Legislatures have no right to set up an inquisition, and examine into the private opinions of men. Test-laws are useless and ineffectual, unjust and tyrannical; therefore the Convention have done wisely in excluding this engine of persecution, and providing that no religious test shall ever be required. A LANDHOLDER.

THE LANDHOLDER, VIII.

THE CONNECTICUT COURANT.

(Number 1196)

MONDAY, DECEMBER 24, 1787.

TO THE HON. ELBRIDGE GERRY, ESQUIRE.

Sir,

When a man in public life first deviates from the line of truth and rectitude, an uncommon degree of art and attention becomes necessary to secure him from detection. Duplicity of conduct in him requires more than double caution, a caution which his former habits of simplicity have never furnished him the means of calculating; and his first leap into the region of treachery and falsehood is often as fatal to himself as it was designed to be to his country. Whether you and Mr. Mason may be ranked in this class of transgressors I pretend not to determine. Certain it is, that both your management and his for a short time before and after the rising of the fœderal convention impress us with a favorable opinion, that you are great novices in the arts of dissimulation. A small degree of forethought would have taught you both a much more successful method of directing the rage of resentment which you caught at the close of the business at Philadelphia, than the one you took. You ought to have considered that you reside in regions very distant from each other, where different parts were to be acted, and then made your cast accordingly.

Mr. Mason was certainly wrong in telling the world that he acted a double part—he ought not to have published two setts of reasons for his dissent to the constitution. His New England

reasons would have come better from you. He ought to have contented himself with haranguing in the southern states, that it was too popular, and was calculated too much for the advantage of the eastern states. At the same time you might have come on, and in the Coffee-House at New York you might have found an excellent sett of objections ready made to your hand, a sett that with very little alteration would have exactly suited the latitude of New England, the whole of which district ought most clearly to have been submitted to your protection and patronage. A Lamb, a Willet, a Smith, a Clinton, a Yates,* or any other gentleman whose salary is paid by the state impost, as they had six months the start of you in considering the subject, would have furnished you with a good discourse upon the "liberty of the press," the "bill of rights," the "blending of the executive and legislative," "internal taxation," or any other topic which you did not happen to think of while in convention.

It is evident that this mode of proceeding would have been well calculated for the security of Mr. Mason; he there might have vented his antient enmity against the independence of America, and his sore mortification for the loss of his favorite motion respecting the navigation act, and all under the mask of sentiments, which with a proper caution in expressing them, might have gained many adherents in his own state. But, although Mr. Mason's conduct might have been easily guarded in this particular, your character would not have been entirely safe even with the precaution above mentioned. Your policy, Sir, ought to have led you one step farther back. You have been so precipitate and unwary in your proceedings, that it will be impossible to set you right, even in idea, without recurring to previous transactions and recalling to your view the whole history of your conduct in the convention, as well as the subsequent display of patriotism contained in your publication. I undertake this business, not that I think it possible to help you out of your present embarassments; but, as those transactions have evidently slipt your memory, the recollection of the blunder into which

* John Lamb, Marinus Willetts, Melancthon Smith, George Clinton and Robert or Abraham Yates, the principal anti-federalists of New York.—*Ed.*

your inexperience has betrayed you, may be of eminent service in forming future schemes of popularity, should the public ever give you another opportunity to traduce and deceive them.

You will doubtless recollect the following state of facts—if you do not, every member of the convention will attest them—that almost the whole time during the setting of the convention, and until the constitution had received its present form, no man was more plausible and conciliating upon every subject than Mr. Gerry—he was willing to sacrifice every private feeling and opinion—to concede every state interest that should be in the least incompatible with the most substantial and permanent system of general government—that mutual concession and unanimity were the whole burden of his song; and although he originated no idea himself, yet there was nothing in the system as it now stands to which he had the least objection—indeed, Mr. Gerry's conduct was agreeably surprising to all his acquaintance, and very unlike that turbulent obstinacy of spirit which they had formerly affixed to his character. Thus stood Mr. Gerry, till, toward the close of the business, he introduced a motion respecting the redemption of the old Continental Money—that it should be placed upon a footing with other liquidated securities of the Uuited States.* As Mr. Gerry was supposed to be possessed of large quantities of this species of paper, his motion appeared to be founded in such barefaced selfishness and injustice, that it at once accounted for all his former plausibility and concession, while the rejection of it by the convention inspired its author with the utmost rage and intemperate opposition to the whole system he had formerly praised. His resentment could no more than embarrass and delay the completion of the business for a few days; when he refused signing the constitution and was called upon for his reasons. These reasons were committed to writing by one of his colleagues and likewise by the Secretary, as Mr. Gerry delivered them.† These reasons were totally different from those which he has published, neither was a single objection which is con-

* See counter-statements of Gerry and Martin in their answers.—*Ed.*

† Cf. *Papers of James Madison*, III, 1595.

tained in his letter to the legislature of Massachusetts ever offered by him in convention.

Now, Mr. Gerry, as this is generally known to be the state of facts, and as neither the reasons which you publish nor those retained on the Secretary's files can be supposed to have the least affinity to truth, or to contain the real motives which induced you to withold your name from the constitution, it appears to me that your plan was not judiciously contrived. When we act without principle, we ought to be prepared against embarrassments. You might have expected some difficulties in realizing your continental money; indeed the chance was rather against your motion, even in the most artful shape in which it could have been proposed. An experienced hand would therefore have laid the whole plan beforehand, and have guarded against a disappointment. You should have begun the business with doubts, and expressed your sentiments with great ambiguity upon every subject as it passed. This method would have secured you many advantages. Your doubts and ambiguities, if artfully managed, might have passed, like those of the Delphic Oracle, for wisdom and deliberation; and at the close of the business you might have acted either for or against the constitution, according to the success of your motion, without appearing dishonest or inconsistent with yourself. One farther precaution would have brought you off clear.

Instead of waiting till the convention rose, before you consulted your friends at New York, you ought to have applied to them at an earlier period, to know what objections you should make. They could have instructed you as well in August as October.

With these advantages you might have past for a complete politician, and your duplicity might never have been detected.

The enemies of America have always been extremely unfortunate in concerting their measures. They have generally betrayed great ignorance of the true spirit and feeling of the country, and they have failed to act in concert with each other. This is uniformly conspicuous, from the first Bute Parliament in London to the last Shays Parliament at Pelham.

The conduct of the enemies of the new constitution compares with that of the other enemies above mentioned only in two particulars, its object and its tendency.

Its object was self interest built on the ruins of the country, and its tendency is the disgrace of its authors and the final prosperity of the same country they meant to depress. Whether the constitution will be adopted at the first trial in the conventions of nine states is at present doubtful. It is certain, however, that its enemies have great difficulties to encounter arising from their disunion: in the different states where the opposition rages the most, their principles are totally opposite to each other, and their objections discordant and irreconcilable, so that no regular system can be formed among you, and you will betray each other's motives.

In Massachusetts the opposition began with you, and from motives most pitifully selfish and despicable, you addressed yourself to the feelings of the Shays faction, and that faction will be your only support. In New York the opposition is not to this constitution in particular, but to the federal impost, it is confined wholly to salary-men and their connections, men whose salary is paid by the state impost. This class of citizens are endeavoring to convince the ignorant part of the community that an annual income of fifty thousand pounds, extorted from the citizens of Massachusetts, Connecticut and New Jersey, is a great blessing to the state of New York. And although the regulation of trade and other advantages of a federal government would secure more than five times that sum to the people of that state, yet, as this would not come through the same hands, these men find fault with the constitution. In Pennsylvania the old quarrel respecting their state constitution has thrown the state into parties for a number of years. One of these parties happened to declare for the new federal constitution, and this was a sufficient motive for the other to oppose it; the dispute there is not upon the merits of the subject, but it is their old warfare carried on with different weapons, and it was an even chance that the parties had taken different sides from what they have taken, for there is no doubt but either party would sacrifice the whole

country to the destruction of their enemies. In Virginia the opposition wholly originated in two principles; the madness of Mason, and the enemity of the Lee faction to General Washington, Had the General not attended the convention nor given his sentiments respecting the constitution, the Lee party would undoubtedly have supported it, and Col. Mason would have vented his rage to his own negroes and to the winds. In Connecticut, our wrongheads are few in number and feeble in their influence. The opposition here is not one-half so great to the federal government as it was three years ago to the federal impost, and the faction, such as it is, is from the same blindfold party.

I thought it my duty to give you these articles of information, for the reasons above mentioned. Wishing you more caution and better success in your future manœuvers, I have the honor to be, Sir, with great respect, your very humble servant.

A LANDHOLDER.

THE LANDHOLDER, IX.

THE CONNECTICUT COURANT,

(Number 1197)

MONDAY, DECEMBER 31, 1787.

TO THE HON. GENTLEMEN CHOSEN TO SERVE IN THE STATE CONVENTION.*

Gentlemen,

When the deputies of a free people are met to deliberate on a constitution for their country; they must find themselves in a solemn situation. Few persons realize the greatness of this business, and none can certainly determine how it will terminate. A love of liberty in which we have all been educated, and which your country expects on you to preserve sacred, will doubtless make you careful not to lay such foundations as will terminate in despotism. Oppression and a loss of liberty arise from very different causes, and which at first blush appear totally different from another.

If you had only to guard against vesting an undue power in certain great officers of state your work would be comparatively easy. This some times occasions a loss of liberty, but the history of nations teacheth us that for one instance from this cause, there are ten from the contrary, a want of necessary power in some public department to protect and to preserve the true interests of the people. America is at this moment in ten-fold greater danger of slavery than ever she was from the councils of a British monarchy, or the triumph of British arms. She

*The Convention of Connecticut, which was to meet Jan. 4.—*Ed*

is in danger from herself and her own citizens, not from giving too much, but from denying all power to her rulers—not from a constitution on despotic principles, but from having no constitution at all. Should this great effort to organize the empire prove abortive, heaven only knows the situation in which we shall find ourselves; but there is reason to fear it will be troublesome enough. It is awful to meet the passions of a people who not only believe but feel themselves uncontrouled—who not finding from government the expected protection of their interests, tho' otherwise honest, become desperate, each man determining to share by the spoils of anarchy, what he would wish to acquire by industry under an efficient national protection. It becomes the deputies of the people to consider what will be the consequence of a miscarriage in this business. Ardent expectation is waiting for its issue—all allow something is necessary—thousands of sufferers have stifled their rights in reverence to the public effort—the industrious classes of men are waiting with patience for better times, and should that be rejected on which they make dependance, will not the public convulsion be great? Or if the civil state should survive the first effects of disappointment, what will be the consequences of slower operations? The men who have done their best to give relief, will despair of success, and gloomily determine that greater sufferings must open the eyes of the deluded—the men who oppose, tho' they may claim a temporary triumph, will find themselves totally unable to propose, and much less to adopt a better system; the narrowness of policy that they have pursued will instantly appear more ridiculous than at present, and the triumph will spoil that importance, which nature designed them to receive not by succeeding, but by impeding national councils. These men cannot, therefore, be the saviours of their country. While those who have been foremost in the political contention disappear either thro' despondence or neglect, every man will do what is right in his own eyes and his hand will be against his neighbor—industry will cease—the states will be filled with jealousy—some opposing and others endeavoring to retaliate—a thousand existing factions, and acts of public injustice, thro' the temporary influence of parties, will prepare the

way for chance to erect a government, which might now be established by deliberate wisdom. When government thus arises, it carries an iron hand.

Should the states reject a union upon solid and efficient principles, there needs but some daring genius to step forth, and impose an authority which future deliberation never can correct. Anarchy, or a want of such government as can protect the interests of the subjects against foreign and domestic injustice, is the worst of all conditions. It is a condition which mankind will not long endure. To avoid its distress they will resort to any standard which is erected, and bless the ambitious usurper as a messenger sent by heaven to save a miserable people. We must not depend too much on the enlightened state of the country; in deliberation this may preserve us, but when deliberation proves abortive, we are immediately to calculate on other principles, and enquire to what may the passions of men lead them, when they have deliberated to the utmost extent of patience, and been foiled in every measure, by a set of men who think their emoluments more safe upon a partial system, than upon one which regards the national good.

Politics ought to be free from passion—we ought to have patience for a certain time with those who oppose a federal system. But have they not been indulged until the state is on the brink of ruin, and they appear stubborn in error? Have they not been our scourge and the perplexers of our councils for many years? Is it not thro' their policy that the state of New York draws an annual tribute of forty thousand pounds from the citizens of Connecticut? Is it not by their means that our foreign trade is ruined, and the farmer unable to command a just price for his commodities? The enlightened part of the people have long seen their measures to be destructive, and it is only the ignorant and jealous who give them support. The men who oppose this constitution are the same who have been unfederal from the beginning. They were as unfriendly to the old confederation as to the system now proposed, but bore it with more patience because it was wholly inefficacious. They talk of amendments — of dangerous articles which must be corrected—that

they will heartily join in a safe plan of federal government; but when we look on their past conduct can we think them sincere? Doubtless their design is to procrastinate, and by this carry their own measures; but the artifice must not succeed. The people are now ripe for a government which will do justice to their interests, and if the honourable convention deny them, they will despair of help. They have shewn a noble spirit in appointing their first citizens for this business—when convened you will constitute the most august assembly that were ever collected in the State, and your duty is the greatest that can be expected from men, the salvation of your country. If coolness and magnanimity of mind attend your deliberations, all little objections will vanish, and the world will be more astonished by your political wisdom than they were by the victory of your arms.

A LANDHOLDER.

THE LANDHOLDER, X.

THE MARYLAND JOURNAL.

(Number 1016)

FRIDAY, FEBRUARY 29, 1788.

For the Maryland Journal, etc.

TO THE HONOURABLE LUTHER MARTIN, ESQ.*

Sir,

I have just met with your performance in favour of the Honourable Mr. Gerry, published in the Maryland Journal of the 18th January, 1788. As the Public may be ignorant of the Sacrifice you have made of your resentments on this occasion, you will excuse me for communicating what your extreme modesty must have induced you to conceal. You, no doubt, remember that you and Mr. Gerry never voted alike in Convention, except in the instances I shall hereafter enumerate. He uniformly opposed your principles, and so far did you carry your abhorrence of his politics, as to inform certain members to be on their guard against his wiles, so that, he and Mr. Mason held private meetings, where plans were concerted "to aggrandise, at the expence of the small States, Old Massachusetts and the Ancient Dominion." After having thus opposed him and accused him, to appear his Champion and intimate acquaintance, has placed you beyond the reach of ordinary panegyric. Having done this jus-

* The Landholder, IV—VIII, were reprinted in *The Maryland Journal*, and the attack on Gerry in them, drew from Luther Martin a defence of that gentleman, which is printed in this collection. To that the Landholder replied as above, but this one of the series was not printed in *The Connecticut Courant*, its place being taken by the number X., printed immediately after this letter.—*Ed.*

tice to your magnanimity, I cannot resist drawing the veil of the Convention a little farther aside; not, I assure you, with any intention to give pain to your Constituents, but merely to induce them to pity you for the many piercing mortifications you met with in the discharge of your duty. The day you took your seat* must be long remembered by those who were present; nor will it be possible for you to forget the astonishment your behaviour almost instantaneously produced. You had scarcely time to read the propositions which had been agreed to after the fullest investigation, when, without requesting information, or to be let into the reasons of the adoption of what you might not approve, you opened against them in a speech which held during two days, and which might have continued two months, but for those marks of fatigue and disgust you saw strongly expressed on whichever side of the house you turned your mortified eyes. There needed no other display to fix your character and the rank of your abilities, which the Convention would have confirmed by the most distinguished silence, had not a certain similarity in genius provoked a sarcastic reply from the pleasant Mr. Gerry; in which he admired the strength of your lungs and your profound knowledge in the first principles of government; mixing and illustrating his little remarks with a profusion of those hems, that never fail to lengthen out and enliven his oratory. This reply (from your intimate acquaintance), the match being so equal and the contrast so comic, had the happy effect to put the house in good humor, and leave you a prey to the most humiliating reflections. But this did not teach you to bound your future speeches by the lines of moderation; for the very next day you exhibited without a blush another specimen of eternal volubility. It was not, however, to the duration of your speeches you owed the perfection of your reputation. You, alone, advocated the political heresy, that the people ought not to be trusted with the election of representatives.† You held the jargon, that notwith-

* June 9.—*Ed.*

† This is a misstatement. The motion to elect representatives as the state legislature should direct was made by C. C. Pinckney, was seconded by Martin, and approved of by Sherman, and on being put to a vote was favored by Connecticut, New Jersey, Delaware and South Carolina. Cf. *Papers of James Madison*, II., 925.—*Ed.*

standing each state had an equal number of votes in the Senate, yet the states were unequally represented in the Senate. You espoused the tyrannic principle, that where a State refused to comply with a requisition of Congress for money, that an army should be marched into its bowels, to fall indiscriminately upon the property of the innocent and the guilty, instead of having it collected as the Constitution proposed, by the mild and equal operation of laws. One hour you sported the opinion that Congress, afraid of the militia resisting their measures, would neither arm nor organize them, and the next, as if men required no time to breathe between such contradictions, that they would harass them by long and unnecessary marches, till they wore down their spirit and rendered them fit subjects for despotism. You, too, contended that the powers and authorities of the new Constitution must destroy the liberties of the people; but that the same powers and authorities might be safely trusted with the Old Congress. You cannot have forgotten, that by such ignorance in politics and contradictory opinions, you exhausted the politeness of the Convention, which at length prepared to slumber when you rose to speak; nor can you have forgotten, you were only twice appointed a member of a Committee, or that these appointments were made merely to avoid your endless garrulity, and if possible, lead you to reason, by the easy road of familiar conversation. But lest you should say that I am a record only of the bad, I shall faithfully recognize whatever occurred to your advantage. You originated that clause in the Constitution which enacts, that "This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or the law of any State to the contrary notwithstanding." You voted that an appeal should lay to the Supreme Judiciary of the United States, for the correction of all errors, both in law and fact. You also agreed to the clause that declares nine States to be sufficient to put the government in motion.* These are among the greater

*Mr. Gerry agreed with Mr. Martin on these questions.

positive virtues you exhibited in the Convention; but it would be doing you injustice were I to omit those of a negative nature. Since the publication of the Constitution, every topic of vulgar declamation has been employed to persuade the people, that it will destroy the trial by jury, and is defective for being without a bill of rights. You, sir, had more candour in the Convention than we can allow to those declaimers out of it; there you never signified by any motion or expression whatever, that it stood in need of a bill of rights, or in any wise endangered the trial by jury. In these respects the Constitution met your entire approbation; for had you believed it defective in these essentials, you ought to have mentioned it in Convention, or had you thought it wanted further guards, it was your indispensable duty to have proposed them. I hope to hear that the same candour that influenced you on this occasion, has induced you to obviate any improper impressions such publications may have excited in your constituents, when you had the honor to appear before the General Assembly.* From such high instances of your approbation (for every member, like you, had made objections to parts of the Constitution) the Convention were led to conclude that you would have honored it with your signature, had you not been called to Maryland upon some indispensable business; nor ought it to be withheld from you, that your colleagues informed many Gentlemen of the House, that you told them you intended to return before its completion. Durst I proceed beyond these facts, to which the whole Convention can witness, I would ask you why you changed your opinion of the Constitution after leaving Philadelphia. I have it from good authority that you complained to an intimate acquaintance, that nothing grieved you so much as the apprehension of being detained in Maryland longer than you could wish; for that you had rather lose one hundred guineas, than not have your name appear to the Constitution. But as this circumstance seems to have been overlooked when you composed your defence of Mr. Gerry, you may have

* By direction of the General Assembly of Maryland, Martin reported the proceedings of the federal Convention to them, and this was afterwards printed in pamphlet form under the title of *Genuine Information.—Ed.*

your recollection of it revived by applying to Mr. Young, of Spruce street, Philadelphia, to whom you made your complaint. But leaving this curious piece of human vanity to such further investigation as you may think it deserves, let us come to those matters more particularly between us. You have said, that you "never heard Mr. Gerry, or any other member, introduce a proposition for the redemption of Continental money according to its nominal or any other value; nor did you ever hear that such a proposition had been offered to the Convention, or had been thought of." That the Public may clearly comprehend what degree of credit ought to be given to this kind of evidence, they should know the time you were absent from the Convention, as well as the time you attended. If it should appear that you were only a few days absent, when unimportant business was the object, they will conclude in your favour, provided they entertain a good opinion of your veracity; on the other hand, should it appear that you were absent nearly half the session, however your veracity may be esteemed, they must reject your evidence. As you have not stated this necessary information, I shall do it for you. The Session of Convention commenced the 14th of May, and ended the 17th of September, which makes 126 days. You took your seat the 10th of June, * and left it the 4th of September, of which period you were absent at Baltimore ten days, and as many at New York, so that you attended only 66 days out of 126. Now, sir, is it to be presumed that you could have been minutely informed of all that happened in Convention, and committees of Convention, during the 60 days of your absence? or does it follow by any rule of reasoning or logic, that because a thing did not happen in the 66 days you were present, that it did not happen in the 60 days which you did not attend? Is it anywise likely that you could have heard what passed, especially during the last 13 days, within which period the Landholder has fixed the apostacy of Mr. Gerry? or if it is likely that your particular intimacy with Mr. Gerry would stimulate to inquiries respecting his conduct, why is it that we do not see Mr. Mc-

* June 9, according to Madison, the *Journal* and Martin's *Genuine Information*. —*Ed.*

Henry's verification of your assertion, who was of the Committee for considering a proposition for the debts of the union? Your reply to my second charge against this gentleman may be soon dismissed. Compare his letter to the Legislature of his State with your defence, and you will find that you have put into his mouth objections different from anything it contains, so that if your representation be true, his must be false. But there is another circumstance which militates against your new friend. Though he was face to face with his colleagues at the State Convention of Massachusetts,* he has not ventured to call upon them to clear him either of this charge, or that respecting the Continental money. But as the Public seemed to require that something should be said on this occasion, an anonymous writer denies that he made such a motion, and endeavours to abate the force of my second allegation, merely by supposing that "his colleagues were men of too much honor to assert that his reasons in Convention were totally different from those which he has published."

But alas, his colleagues would not acquit him in this way, and he was of too proud a spirit to ask them to do it in person.† Hence the charge remains on its original grounds, while you, for want of proper concert, have joined his accusers and reduced him to the humiliating necessity of endeavouring to stifle your justification. These points being dismissed, it remains only to reconcile the contradictory parts you have acted on the great political stage. You entered the convention without a sufficient knowl-

* Gerry, though defeated in an election to the Massachusetts Convention, was invited by them to attend, in order to furnish information to the members.—*Ed.*

†To prevent any misconstruction the following is the publication entire:

[This note is by the Landholder, and is followed by the article already printed at p. 127. It therefore seems unnecessary to add it here.—*Ed.*]

I will not say this writer makes a distinction between a thing done in convention and a thing done in committee. Be this as it may, he confesses more than Mr. Martin; for it seems that Mr. Gerry proposed that "the public debt should stand on the same ground it now stands on by the articles of confederation." He might have subjoined that Mr. Gerry prefaced this motion by observing that it was the same in substance as his first, in as much as it included his first. But notwithstanding this motion was readily agreed to without his explanation being contradicted, yet he never afterwards favoured the convention with a look of peace, or a word of reconcilement.

edge in the science of government, where you committed a succession of memorable blunders, as the work advanced. Some rays of light penetrated your understanding, and enabled you (as has been shown) to assist in raising some of its pillars, when the desire of having your name enrolled with the other laborers drew from you that remarkable complaint so expressive of vanity and conviction. But self-interest soon gained the ascendant, you quickly comprehended the delicacy of your situation, and this restored your first impressions in all their original force. You thought the Deputy Attorney General of the United States for the state of Maryland, destined for a different character, and that inspired you with the hope that you might derive from a desperate opposition what you saw no prospect of gaining by a contrary conduct. But I will venture to predict, that though you were to double your efforts, you would fail in your object. I leave you now to your own reflections, under a promise, however, to give my name to the public, should you be able to procure any indifferent testimony to contradict a single fact I have stated.

February, 1788. A LANDHOLDER.

THE LANDHOLDER,* X.

THE CONNECTICUT COURANT.

(Number 1206)

MONDAY, MARCH 3, 1788.

TO THE CITIZENS OF NEW HAMPSHIRE.†

The opposition in your state to the new federal constitution, is an event surprising to your New England brethren, yet we are not disposed to criminate a people, which made such gallant efforts in the establishment of the American Empire. It is the prerogative of freemen to determine their own form of government, and if this constitution is not addressed to your interest, if it is not calculated to preserve your freedom and make you glorious, we wish you not to accept it. We have fought by your side, we have long been connected in interest, and with many of you by consanguinity, and wish that you may share with us in all the benefits of a great and free empire. Brethren who differ in their opinions how a common interest may be best governed, ought to deliberate with coolness, and not wantonly accuse each other, either of folly or design. Massachusetts and Connecticut have decidedly judged the new government well calculated not only for the whole but for the northern states. Either you or these states have judged wrong. Your interests are similar to theirs, and cannot be separated from them without counteracting nature.

* This number duplicates the preceding one, for an explanation of which see the foot-note to the first Number X.—*Ed.*

† The convention of New Hampshire had met on the 13 of June, and after a discussion of seven days, had adjourned without voting upon the constitution.—*Ed.*

If there be any one state more interested than the others in the adoption of this system, it is New Hampshire. Your local situation, which can never be altered, is a solemn argument in its favor. Tho' separated from the government of Britain at no less price than the blood of your bravest sons, you border on her dominions. She is your enemy, and wishes nothing more than your submission to her laws, and to the will of her proud servants.

Her force may easily be pointed thro' your whole territory and a few regiments would effectually banish resistance. New Hampshire, tho' growing in population, and amongst the first states in personal bravery, cannot yet stand alone. Should a disunion of the states tempt Britain to make another effort for recovering her former greatness, you will be the first to fall under her sway. In such case you will have nothing to expect from the other states. Dispirited with a fruitless attempt to unite in some plan of general government and protection, they will say, let the dissenting states abide the consequence of their own false opinions. Though such a reply might not be wise, it would be exactly comfortable to what we have ever found in human nature; and nature will have its course, let policy be what it may. You are the northern barrier of the United States, and by your situation, must first meet any hostile animosity from that quarter designed against any part of them. It is certainly for the interest of a barrier country, to have a general government on such efficient principles, as can point the force of the whole for its relief when attacked. The old constitution could not do this; that now under consideration, if accepted, we trust will produce a circulation of riches and the powers of protection to the most extreme parts of the body. On these principles it has generally been said that New Hampshire and Georgia would be amongst the first in adopting. Georgia has done it, not, perhaps, because they were more wise than New Hampshire, but being pressed with a dangerous war in the very moment of decision, they felt its necessity; and feeling is an argument none can resist. Trust not to any complaisance of those British provinces on your northern borders, or those artful men who govern them, who were selected on purpose to beguile your politicks, and divide and

weaken the union. When the hour for a permanent connection between the states is past, the teeth of the lion will be again made bare, and you must be either devoured, or become its jackal to hunt for prey in the other states.

We believe those among you who are opposed to the system, as honest and brave as any part of the community, and cannot suspect them of any design against American Independence; but such persons ought to consider what will be the probable consequence of their dissent; and whether this is not the only hour in which this community can be saved from a condition, which is, on all hands, allowed to be dangerous and unhappy. There are certain critical periods in which nations, as well as individuals, who have fallen into perplexity, by a wise exertion may save themselves and be glorious. Such is the present era in American policy, but if we do not see the hour of our salvation, there is no reason to expect that heaven will repeat it. The unexpected harmony of the federal Convention—their mutual condescension in the reconcilement of jarring interests and opposing claims between the several States—the formation of a system so efficient in appearance, at the same time so well guarded against an oppression of the subject—the concurring sentiments of a vast majority thro' the United States, of those persons who have been most experienced in policy, and most eminent in wisdom and virtue; are events which must be attributed to the special influence of heaven.

To be jealous of our liberties is lawful, but jealously in excess is a deliriam [sic] of the imagination, by no means favourable to liberty. If you would be free and happy a power must be created to protect your persons and properties; otherwise you are slaves to all mankind. Your British neighbors have long known these truths, and will not fail by their emissaries to seminate such jealousies as favor their own designs.

To prophesy evil is ungrateful business; but forgive me when I predict, that the adoption of this Constitution is the only probable means of saving the greatest part of your State from becoming an appendage of Canada or Nova Scotia. In some future paper I shall assign other reasons why New Hampshire, more than any other State, is interested in this event.

A LANDHOLDER.

THE LANDHOLDER, XI.

THE CONNECTICUT COURANT.

(Number 1207)

MONDAY, MARCH 10, 1788.

TO THE CITIZENS OF NEW HAMPSHIRE.

Those who wish to enjoy the blessings of society must be willing to suffer some restraint of personal liberty, and devote some part of their property to the public that the remainder may be secured and protected. The cheapest form of government is not always best, for parsimony, though it spends little, generally gains nothing. Neither is that the best government which imposes the least restraint on its subjects; for the benefit of having others restrained may be greater than the disadvantage of being restrained ourselves. That is the best form of government which returns the greatest number of advantages in proportion to the disadvantages with which it is attended.

Measured by this rule, the state of New Hampshire cannot expect a Constitution preferable to that now proposed for the union. In point of defence it gives you the whole force of the empire, so arranged as to act speedily and in concert, which is an article of greatest importance to the frontier states. With the present generation of men, national interest is the measure by which war or peace are determined; and when we see the British nation, by a late treaty, paying an enormous annual subsidy to the little principality of Hesse-Cassel for the purpose of retaining her in military alliance, it should teach us the necessity of those parts in the Constitution which enable the efficient force of the whole to be opposed to an invasion of any part.

A national revenue and the manner of collecting it is another very interesting matter, and here the citizens of New Hampshire have better terms offered them, than their local situation can ever enable them to demand or enforce. Impost and duties on trade, which must be collected in the great importing towns, are the means by which an American revenue will be principally, and perhaps wholly raised. But a point of your state comes near the sea, and that point so situated that it never can collect commerce, and become an emporium for the whole state. Nineteen parts in twenty of New Hampshire are greatly inland, so that local situation necessitates you to be an agricultural people; and this is not a hard necessity, if you now form such a political connection with other states, as will entitle you to a just share in that revenne they raise on commerce. New York, the trading towns on Connecticut River, and Boston, are the sources from which a great part of your foreign supplies will be obtained, and where your produce will be exposed for market.

In all these places an impost is collected, of which, as consumers, you pay a share without deriving any public benefit. You cannot expect any alteration in the private systems of these states, unless effected by the proposed governments, neither to remedy the evil can you command trade from the natural channels, but must sit down contented under the burden, if the present hour of deliverance be not accepted. This argument alone, if there were no other, ought to decide you in favour of adoption.

It has been said that you object to the number of inhabitants being a ratio to determine your proportion of the national expence—that your lands are poor, but the climate favourable to population, which will draw a share of expence beyond your ability to pay. I do not think this objection well founded. Long experience hath taught that the number of industrious inhabitants in any climate is not only the strength, but the wealth of a state, and very justly measures their ability of defraying public expences, without encroaching on the necessary support of life.

If a great proportion of your lands are barren, you ought likewise to remember another rule of nature; that the population and fertility in many tracts of country will be proportioned to

each other. Accidental causes for a short time may interrupt the rule, but they cannot be of dangerous continuance. Force may controul a despotic government, and commerce may interrupt it in an advantageous situation for trade; but from the first of these causes you have no reason to fear, and the last, should it happen, will increase wealth with numbers.

The fishery is a source of wealth and an object of immense consequence to all the eastern coasts. The jealousy of European nations ought to teach us its value. So far as you become a navigating people, the fishery should be an object of your first attention. It cannot flourish until patronized and protected by the general government. All the interests of navigation and commerce must be protected by the union or come to ruin, and in our present system where is the power to do it?

When Americans are debarred the fishery, as will soon be the case unless a remedy is provided, all the eastern shores will become miserably poor.

Your forests embosom an immense quantity of timber for shipbuilding and the lumber trade, but of how little value at present you cannot be ignorant, and the value cannot increase until American navigation and commerce are placed on a respectable footing, which no single state can do for itself. The embarrassments of trade lower the price of your produce, which with the distance of transportation almost absorbs the value; and when by a long journey we have arrived at the place of market, even the finest of your grain will not command cash, at that season of the year most convenient for you to transport. Hence arises that scarcity of specie of which you complain. Your interest is intimately connected with that of the most commercial states, and you cannot separate it. When trade is embarrassed the merchant is the first to complain, but the farmer in event bears more than his share of the loss.

Let the citizens of New Hampshire candidly consider these facts, and they must be convinced that no other state is so much interested in adopting that system of government now under consideration.

A LANDHOLDER.

The Landholder presents his most respectful compliments to Hon W. Williams,* and begs leave to remind him that many dispensations in this world, which have the appearance of judgment, are designed in goodness. Such was the short address to you, and though at first it might excite an exquisite sensibility of injury, will in its consequence prove to your advantage, by giving you an honorable opportunity to come out and declare your sentiments to the people. It had been represented in several parts of the state, to the great surprise of your friends, that you wished some religious test as an introduction to office, but as you have explained the matter, it is only a religious preamble which you wish—against preambles we have no animosity. Every man hath a sovereign right to use words in his own sense, and when he hath explained himself, it ought to be believed that he uses them conscientiously. The Landholder, for the sake of his honourable friend, regrets that he denies his having used his name publicly as a writer, for, though the honourable gentleman doubtless asserts the truth, there are a great number of those odd people who really think they were present on that occasion, and have such a strong habit of believing their senses, that they will not be convinced even by evidence which is superior to all sense. But it must be so in this imperfect world.

P. S. The Landholder begs his honourable friend not to be surprised at his former address, as he can assure him most seriously, that he does not even conjecture by whom it was written.

* See Letter of William Williams in this Collection.—*Ed.*

THE LANDHOLDER, XII.

THE CONNECTICUT COURANT,

(Number 1208)

MONDAY, MARCH 17, 1788.

TO THE RHODE ISLAND FRIENDS OF PAPER MONEY, TENDER ACTS AND ANTI-FEDERALISM.

The singular system of policy adopted by your state, no longer excites either the surprise or indignation of mankind. There are certain extremes of iniquity, which are beheld with patience, from a fixed conviction that the transgressor is inveterate, and that his example from its great injustice hath no longer a seducing influence. Milton's lapse of the angels and their expulsion from Heaven, produces deeper regret in a benevolent mind than all the evil tricks they have played or torments they have suffered since the bottomless pit became their proper home. Something similar to this is excited in beholding the progress of hnman depravity. Our minds cannot bear to be always pained; the Creator hath, therefore wisely provided that our tender sentiments should subside, in those desperate cases where there is no longer a probability that any effort to which we may be excited, will have a power to reclaim. But though our benevolence is no longer distressed with the injustice of your measures, as philosophers above the feelings of passion, we can speculate on them to our advantage. The sentiment thrown out by some of our adventurous divines, that the permission of sin is the highest display of supreme wisdom, and the greatest blessing to the universe, is most successfully illustrated by the effects of your general policy.

In point of magnitude, your little state bears much the same proportion to the united American empire, as the little world doth to the immense intelligent universe; and if the apostacy of man hath conveyed such solemn warning and instruction to the whole, as your councils have to every part of the union, no one will doubt the usefulness of Adam's fall. At the commencement, of peace, America was placed in a singular situation. Fear of a common danger could no longer bind us together; patriotism had done its best and was wearied with exertion rewarded only by ingratitude—our federal system was inadequate for national government and justice, and from inexperience the great body of the people were ignorant what consequences should flow from the want of them. Experiments in public credit, though ruinous to thousands, and a disregard to the promises of government had been pardoned in the moment of extreme necessity, and many honest men did not realize that a repetition of them in an hour less critical would shake the existence of society. Men full of evil and desperate fortune were ready to propose every method of public fraud that can be effected by a violation of public faith and depreciating promises. This poison of the community was their only preservation from deferred poverty, and from prisons appointed to be the reward of indolence and knavery. An easement of the poor and necessitous was plead as a reason for measures which have reduced them to more extreme necessity. Most of the states have had their prejudices against an efficient and just government, and have made their experiments in a false policy; but it was done with a timorous mind, and seeing the evil they have receded. A sense of subordination and moral right was their check. Most of the people were convinced, and but few remained who wished to establish iniquity by law. To silence such opposition as might be made to the new constitution, it was fit that public injustice should be exhibited in its greatest degree and most extreme effects. For this end Heaven permitted your apostacy from all the principles of good and just government. By your system we see unrighteousness in the essence, in effects, and in its native miseries. The rogues of every other state blush at the exhibition, and say you have be-

trayed them by carrying the matter too far. The very naming of your measures is a complete refutation of anti-federalism, paper money and tender acts, for no man chooses such company in argument.

The distress to which many of your best citizens are reduced —the groans of ruined creditors, of widows and orphans, demonstrates that unhappiness follows vice by the unalterable laws of nature and society. I did not mention the stings of conscience, but the authors of public distress ought to remember that there is a world where conscience will not sleep.

Is it now at length time to consider. The great end for which your infatuation was permitted is now become complete. The whole union has seen and fears, and while history gives true information, no other people will ever repeat the studied process of fraud. You may again shew the distorted features of injustice, but never in more lively colors, or by more able hands than has been done already. As virtue and good government has derived all possible advantage from your experiment, and every other state thanks you for putting their own rogues and fools out of countenance, begin to have mercy on yourselves. You may not expect to exist in this course any longer than is necessary for public good; and there is no need that such a kind of warning as you set before us should be eternal. Secure as you may feel in prosecuting what all the rest of mankind condemn, the hour of your political revolution is at hand. The cause is within to yourselves, and needs but the permission of your neighbors to take its full effect. Every moral and social law calls for a review, and a volume of penal statutes cannot prevent it. They are in the first instance nullified by injustice, and five years hence not a man in your territories will presume their vindication. Passion and obstinacy, which were called in to aid injustice, have had their reign, and can support you no longer. By a change of policy give us evidence that you are returned to manhood and honour. The inventors of such councils can never be forgiven in this world, but the people at large who acted by their guidance may break from the connection and restore themselves to virtue.

There are among you legislators eminent, through the union

for their wisdom and integrity. Penetrated with grief and astonishment they stand in silence, waiting the return of your reason. They are the only men who can remove the impassable gulph that is between you and the rest of mankind. In your situation there must be some sacrifice. It is required by the necessity of the case, and for the dignity of government. You have guilty victims enough for whom even benevolence will not plead; let them make the atonement and save your state. The large body of a people are rarely guilty of any crime greater than indiscretion, in following those who have no qualification to lead but an unblushing assurance infraud. Acknowledge the indiscretion, and leave those whom you have followed into the quicksands of death to the infamy prepared for them, and from which they cannot be reserved. Your situation admits no compounding of opposite systems, or halving with justice, but to make the cure there must be an entire change of measures. The Creator of nature and its laws made justice as necessary for nations as for individuals, and this necessity hath been sealed by the fate of all obstinate offenders. If you will not hear your own groans, nor feel the pangs of your own torture, it must continue until removed by a political annihilation. Such as do not pity themselves cannot be long be pitied.

Determined that our feelings shall be no longer wounded by any thing to which despair may lead you, with philosophic coolness we wait to continue our speculations on the event.

A LANDHOLDER.

THE LANDHOLDER, XIII.

THE CONNECTICUT COURANT,

(Number 1209)

MONDAY, MARCH 24, 1788.

The attempt to amend our federal Constitution, which for some time past hath engrossed the public regard, is doubtless become an old and unwelcome topic to many readers, whose opinions are fixed, or who are concerned for the event. There are other subjects which claim a share of attention, both from the public and from private citizens. It is good government which secures the fruits of industry and virtue; but the best system of government cannot produce general happiness unless the people are virtuous, industrious and economical.

The love of wealth is a passion common to men, and when justly regulated it is conducive to human happiness. Industry may be encouraged by good laws; wealth may be protected by civil regulations; but we are not to depend on these to create it for us, while we are indolent and luxurious. Industry is most favourable to the moral virtue of the world; it is therefore wisely ordered by the Author of Nature, that the blessings of this world should be acquired by our own application in some business useful to society; so that we have no reason to expect any climate or soil will be found, or any age take place, in which plenty and wealth will be spontaneously produced. The industry and labour of a people furnish a general rule to measure their wealth, and if we use the means we may promise ourselves the reward. The present state of America will limit the greatest part of its inhabitants to agriculture; for as the art of tilling the earth is easily acquired, the price of land low, and the produce immedi-

diately necessary for life, greater encouragement to this is offered here than in any country on earth. But still suffer me to enquire whether we are not happily circumstanced and actually able to manage some principal manufactories with success, and increase our wealth by increasing the labour of the people, and saving the surplus of our earnings for a better purpose than to purchase the labour of the European nations. It is a remark often made, and generally believed, that in a country so new as this, where the price of land is low and the price of labour high, manufactories cannot be conducted with profit. This may be true of some manufactures, but of others it is grossly false. It is now in the power of New England to make itself more formidable to Great Britain by rivaling some of her principal manufactures, than ever it was by separating from her government. Woolen cloaths, the principal English manufacture, may more easily be rivaled than any other. Purchasing all the materials and labour at the common price of the country, cloths of three-quarters width, may be fabricated for six shillings per yard, of fineness and beauty equal to English cloths of six quarters width, which fell at twenty shillings. The cost of our own manufacture is little more than half of the imported, and for service it is allowed to be much preferable. It is found that our wool is of equal quality with the English, and that what we once supposed the defect in our wool, is only a deficiency in cleaning, sorting and dressing it.

It gives me pleasure to hear that a number of gentlemen in Hartford and the neighboring towns are forming a fund for the establishment of a great woolen manufactory. The plan will doubtless succeed; and be more profitable to the stockholders that money deposited in trade. As the manufacture of cloths is introduced, the raising of wool and flax, the raw materials, will become an object of the farmer's attention.

Sheep are the most profitable part of our stock, and the breed is much sooner multiplied than horses or cattle. Why do not our opulent farmers avail themselves of the profit? An experience would soon convince them there is no better method of advancing property, and their country would thank them for the trial. Sheep are found to thrive and the wool to be of good

quality in every part of New England, but as this animal delights in grazing, and is made healthy by coming often to the earth, our sea-coasts with the adjacent country, where snow is of short continuance, are particularly favourable to their propagation. Our hilly coasts were designed by nature for this, and every part of the country that abounds in hills ought to make an experiment by which they will be enriched.

In Connecticut, the eastern and southern counties, with the highlands on Connecticut river towards the sea, ought to produce more wool than would cloath the inhabitants of the state. At present the quantity falls short of what is needed by our own consumption; if a surplusage could be produced, it would find a ready market and the best pay.

The culture of flax, another principal material for manufacturing, affords great profit to the farmer. The seed of this crop when it succeeds will pay the husbandman for his labour, and return a better ground-rent than many other crops which are cultivated. The seed is one of our best articles for remittance and exportation abroad. Dressing and preparing the flax for use is done in the most leisure part of the year, when labour is cheap, and we had better work for sixpence a day and become wealthy, than to be idle and poor.

It is not probable the market can be overstocked, or if it should chance for a single season to be the case, no article is more meliorated by time, or will better pay for keeping by an increase of quality. A large flax crop is one most certain sign of a thrifty husbandman. The present method of agriculture in a course of different crops is well calculated to give the husbandman a sufficieny of flax ground, as it is well known that this vegetable will not thrive when sown successively in the same place.

The nail manufacture might be another source of wealth to the northern states. Why should we twice transport our own iron, and pay other nations for labour which our boys might perform as well? The art of nail-making is easily acquired. Remittances have actually been made from some parts of the state in this article; the example is laudable, and ought to be imitated. The sources of wealth are open to us, and there needs but industry to become as rich as we are free. A LANDHOLDER.

A LETTER

TO

THE LANDHOLDER.

BY

WILLIAM WILLIAMS,

PRINTED IN

THE AMERICAN MERCURY,

FEBRUARY,

1788.

NOTE.

THIS letter was occasioned by the following communication, which was printed in the *Connecticut Courant* for Monday, February 4, 1788, (number 1202):

TO THE HON. WILLIAM WILLIAMS, ESQ.

Sir:—Whenever one man makes a charge against another, reason and justice require that he should be able to support the charge. In some late publications, I have offered my sentiments on the new constitution, have adduced some arguments in favour of it, and answered objections to it. I did not wish to enter into a controversy with any man. But I am unwilling to have accusations publickly thrown out against me, without an opportunity to answer them. In the late convention, when a *religious test* was the subject of debate, you took the liberty of saying *that the Landholder* (in treating of the same subject) *had missed the point; that he had raised up a man of straw, and kicked it over again.* Now, Sir, I wish this matter may be fairly cleared up. I wish to know, what is the real point? Who and what the *real* man is? Or in other words, what a religious test is? I certainly have a right to expect that you will answer these questions, and let me know wherein I am in the wrong. Perhaps you may show that my ideas on the subject are erroneous. In order to do this, it would not be amiss to offer a few reasons and arguments. You doubtless had such as were convincing, at least to yourself, though you happen to omit them at the time of the debate. If you will shew that I am in the wrong, I will candidly acknowledge my mistake. If on the contrary you should be unable to prove your assertions, the public will judge, whether *you or I have missed the point;* and which of us has *committed the crime of making a man of straw.*

Not doubting but you will have the candour to come to an explanation on this subject,

I am, Sir, your humble servant,

THE LANDHOLDER.

From The Landholder's statement printed at page 195 of this volume, it appears that this signature was employed by another man, in this instance.

LETTER OF WILLIAM WILLIAMS.

THE AMERICAN MERCURY,

(Number 88)

MONDAY, FEBRUARY 11TH, 1788.

MR. BABCOCK :

Since the Federal Constitution has had so calm, dispassionate and so happy an issue, in the late worthy Convention of this State; I did not expect any members of that hon. body to be challenged in a News-paper, and especially by name, and by anonymous writers, on account of their opinion, or decently expressing their sentiments relative to the great subject then under consideration, or any part of it. Nor do I yet see the propriety, or happy issue of such a proceeding. However as a gentleman in your Paper feels uneasy, that every sentiment contained in his publications, (tho' in general they are well written) is not received with perfect acquiescence and submission, I will endeavour to satisfy him, or the candid reader, by the same channel, that I am not so reprehensible as he supposes, in the matter refer'd to. When the clause in the 6th article, which provides that "no religious test should ever be required as a qualification to any office or trust, &c." came under consideration, I observed I should have chose that sentence and anything relating to a religious test, had been totally omitted rather than stand as it did, but still more wished something of the kind should have been inserted, but with a reverse sense, so far as to require an explicit acknowledgment of the being of a God, his perfections and his providence, and to have been prefixed to, and stand as, the first introductory words of the Constitution, in the

following or similar terms, viz. *We the people of the United States, in a firm belief of the being and perfections of the one living and true God, the creator and supreme Governour of the world, in his universal providence and the authority of his laws; that he will require of all moral agents an account of their conduct; that all rightful powers among men are ordained of, and mediately derived from God; therefore in a dependence on his blessing and acknowledgment of his efficient protection in establishing our Independence, whereby it is become necessary to agree upon and settle a Constitution of federal government for ourselves,* and in order to form a more perfect union &c., as it is expressed in the present introduction, do ordain &c., and instead of none, that no other religious test should ever be required &c., and that supposing, but not granting, this would *be no security at all,* that it would make hypocrites, &c. yet this would not be a sufficient reason against it; as it would be a public declaration against, and disapprobation of men, who did not, even with sincerity, make such a profession, and they must be left to the searcher of hearts; that it would however, be the voice of the great body of the people, and an acknowledgment proper and highly becoming them to express on this great and only occasion, and according to the course of Providence, one mean of obtaining blessings from the most high. But that since it was not, and so difficult and dubious to get inserted, I would not wish to make it a capital objection; that I had no more idea of a religious test, which should restrain offices to any particular sect, class, or denomination of men or Christians in the long list of diversity, than to regulate their bestowments by the stature or dress of the candidate, nor did I believe one sensible catholic man in the state wished for such a limitation; and that therefore the News-Paper observations, and reasonings (I named no author) against a test, in favour of any one denomination of Christians, and the sacrilegious injunctions of the test laws of England &c., combatted objections which did not exist, and *was building up a man of straw and knocking him down again.* These are the same and only ideas and sentiments I endeavoured to communicate on that subject, tho' perhaps not precisely in the same terms; as I had not written, nor precon-

ceived them, except the proposed test, and whether there is any reason in them or not, I submit to the public.

I freely confess such a test and acknowledgment would have given me great additional satisfaction; and I conceive the arguments against it, on the score of hypocrisy, would apply with equal force against requiring an oath from any officer of the united or individual states; and with little abatement, to any oath in any case whatever; but divine and human wisdom, with universal experience, have approved and established them as useful, and a security to mankind.

I thought it was my duty to make the observations, in this behalf, which I did, and to bear my testimony for God; and that it was also my duty to say *the Constitution*, with this, and some other faults of another kind, was yet too wise and too necessary to be rejected. W. WILLIAMS.

P. S.—I could not have suspected the Landholder (if I know him) to be the author of the piece referred to; but if he or any other is pleased to reply, without the signature of his proper name, he will receive no further answer or notice from me.

Feb. 2d, 1788.

THE LETTERS

OF

A COUNTRYMAN.

WRITTEN BY

ROGER SHERMAN,

AND PRINTED IN

THE NEW HAVEN GAZETTE,

NOVEMBER-DECEMBER,

1787.

NOTE.

In the file of The New Haven Gazette formerly owned by Simeon Baldwin, an intimate friend, and afterwards executor of Roger Sherman, it is noted by the former that the essays of A Countryman were written by the latter.

Following this series are two essays written by Sherman under a different signature, after the adoption of the Constitution, which are an interesting contrast to these. It will be noted in the first of these, that Sherman alludes to what he "had endeavored to show in a former piece."

A COUNTRYMAN, I.

THE NEW HAVEN GAZETTE,

(Number 39)

THURSDAY, NOVEMBER 14, 1787.

TO THE PEOPLE OF CONNECTICUT.

You are now called on to make important alterations in your government, by ratifying the new federal constitution.

There are, undoubtedly, such advantages to be expected from this measure, as will be sufficient inducement to adopt the proposal, provided it can be done without sacrificing more important advantages, which we now do or may possess. By a wise provision in the constitution of man, whenever a proposal is made to change any present habit or practice, he much more minutely considers what he is to *lose* by the alterations, what effect it is to have on what he at present possesses, than what is to be *hoped* for in the proposed expedient.

Thus people are justly cautious how they exchange present advantages for the hope of others in a system not yet experienced.

Hence all large states have dreaded a division into smaller parts, as being nearly the same thing as ruin; and all smaller states have predicted endless embarrassment from every attempt to unite them into larger. It is no more than probable that if any corner of this State of ten miles square, was now, and long had been independent of the residue of the State, that they would consider a proposal to unite them to the other parts of the State, as a violent attempt to wrest from them the only security for their persons or property. They would lament how little security they

should derive from sending one or two members to the legislature at Hartford & New Haven, and all the evils that the Scots predicted from the proposed union with England, in the beginning of the present century, would be thundered with all the vehemence of American politics, from the little ten miles district. But surely no man believes that the inhabitants of this district would be less secure when united to the residue of the State, than when independent. Does any person suppose that the people would be more safe, more happy, or more respectable, if every town in this State was independent, and had no State government?

Is it not certain that government would be weak and irregular, and that the people would be poor and contemptible? And still it must be allowed, that each town would entirely surrender its boasted independence if they should unite in State government, and would retain only about one-eightieth part of the administration of their own affairs.

Has it ever been found, that people's property or persons were less regarded and less protected in large states than in small?

Have not the Legistature in large states been as careful not to over-burden the people with taxes as in small? But still it must be admitted, that a single town in a small state holds a greater proportion of the authority than in a large.

If the United States were one single government, provided the constitution of this extensive government was as good as the constitution of this State now is, would this part of it be really in greater danger of oppression or tyranny, than at present? It is true that many people who are *great men* because they go to Hartford to make laws for us once or twice in a year, would then be no greater than their neighbours, as much fewer representatives would be chosen. But would not the people be as safe, governed by their representatives assembled in New York or Philadelphia, as by their representatives assembled in Hartford or New Haven? Many instances can be quoted, where people have been unsafe, poor and contemptible, because they were governed only in small bodies; but can any instance be found where they were less safe for uniting? Has not every instance proved somewhat similar to the so much dreaded union between Eng-

land and Scotland, where the Scots, instead of becoming a poor, despicable, dependent people, have become much more secure, happy, and respectable? If then, the constitution is a good one, why should we be afraid of uniting, even if the Union was to be much more complete and entire than is proposed?

A COUNTRYMAN, II.

THE NEW HAVEN GAZETTE.

(Number 40)

THURSDAY, NOVEMBER 22, 1787.

TO THE PEOPLE OF CONNECTICUT.

It is fortunate that you have been but little distressed with that torrent of impertinence and folly, with which the newspaper politicians have over whelmed many parts of our country.

It is enough that you should have heard, that one party has seriously urged, that we should adopt the *New Constitution* because it has been approved by *Washington* and *Franklin:* and the other, with all the solemnity of apostolic address to *Men, Brethren, Fathers, Friends and Countryman*, have urged that we should reject, as dangerous, every clause thereof, because that *Washington* is more used to command as a soldier, than to reason as a politician—*Franklin is old*, others are *young*—and *Wilson* is *haughty*.* You are too well informed to decide by the opinion of others, and too independent to need a caution against undue influence.

Of a very different nature, tho' only one degree better than the other reasoning, is all that sublimity of *nonsense* and *alarm*, that has been thundered against it in every shape of *metaphoric terror*, on the subject of a *bill of rights*, the *liberty of the press, rights of conscience, rights of taxation and election, trials in the vicinity, freedom of speech, trial by jury*, and a *standing army*. These last are

* This is a paraphrase of the arguments of "The Centinel" in *The Independent Gazetteer*.—ED.

undoubtedly important points, much too important to depend on mere paper protection. For, guard such privileges by the strongest expressions, still if you leave the legislative and executive power in the hands of those who are or may be disposed to deprive you of them—you are but slaves. Make an absolute monarch—give him the supreme authority, and guard as much as you will by bills of rights, your liberty of the press, and trial by jury;—he will find means either to take them from you, or to render them useless.

The only real security that you can have for all your important rights must be in the nature of your government. If you suffer any man to govern you who is not strongly interested in supporting your privileges, you will certainly lose them. If you are about to trust your liberties with people whom it is necessary to bind by stipulation, that they shall not keep a standing army, your stipulation is not worth even the trouble of writing. No bill of rights ever yet bound the supreme power longer than the *honeymoon* of a new married couple, unless the *rulers were interested* in preserving the rights; and in that case they have always been ready enough to declare the rights, and to preserve them when they were declared.—The famous English *Magna Charta* is but an act of parliament, which every subsequent parliament has had just as much constitutional power to repeal and annul, as the parliament which made it had to pass it at first. But the security of the nation has always been, that their government was so formed, that at least *one branch* of their legislature must be strongly interested to preserve the rights of the nation.

You have a bill of rights in Connecticut (i. e.) your legislature many years since enacted that the subjects of this state should enjoy certain privileges. Every assembly since that time, could, by the same authority, enact that the subjects should enjoy none of those privileges; and the only reason that it has not long since been so enacted, is that your legislature were as strongly interested in preserving those rights as any of the subjects; and this is your only security that it shall not be so enacted at the next session of assembly: and it is security enough.

Your General Assembly under your present constitution are

supreme. They may keep troops on foot in the most profound peace, if they think proper. They have heretofore abridged the trial by jury in some cases, and they can again in all. They can restrain the press, and may lay the most burdensome taxes if they please, and who can forbid? But still the people are perfectly safe that not one of these events shall take place so long as the members of the General Assembly are as much interested, and interested in the same manner, as the other subjects.

On examining the new proposed constitution, there can be no question but that there is authority enough lodged in the proposed Federal Congress, if abused, to do the greatest injury. And it is perfectly idle to object to it, that there is no bill of rights, or to propose to add to it a provision that a trial by jury shall in no case be omitted, or to patch it up by adding a stipulation in favor of the press, or to guard it by removing the paltry objection to the right of Congress to regulate the time and manner of elections.

If you cannot prove by the best of all evidence, viz., by the *interest of the rulers*, that this authority will not be abused, or at least that those powers are not more likely to be abused by the Congress, than by those who now have the same powers, you must by no means adopt the constitution:—No, not with all the bills of rights and with all the stipulations in favor of the people that can be made.

But if the members of Congress are to be interested just as you and I are, and just as the members of our present legislatures are interested, we shall be just as safe, with even supreme power (if that were granted) in Congress, as in the General Assembly. If the members of Congress can take no improper step which will not affect them as much as it does us, we need not apprehend that they will usurp authorities not given them to injure that society of which they are a part.

The sole question, (so far as any apprehension of tyranny and oppression is concerned) ought to be, how are Congress formed? how far have you a control over them? Decide this, and then all the questions about their power may be dismissed for the amusement of those politicians whose business it is to catch flies,

or may occasionally furnish subjects for *George Bryan's* Pomposity, or the declamations of *Cato—An Old Whig—Son of Liberty—Brutus—Brutus junior—An Officer of the Continental Army*, —the more contemptible *Timoleon*, and the residue of that rabble of writers.

A COUNTRYMAN, III.

THE NEW HAVEN GAZETTE.

(Number 41)

THURSDAY, NOVEMBER 29, 1787.

TO THE PEOPLE OF CONNECTICUT.

The same thing once more—I am a plain man, of few words; for this reason perhaps it is, that when I have said a thing I love to repeat it. Last week I endeavored to evince, that the only surety you could have for your liberties must be in the nature of your government; that you could derive no security from bills of rights, or stipulations, on the subject of a standing army, the liberty of the press, trial by jury, or on any other subject. Did you ever hear of an absolute monarchy, where those rights which are proposed by the pigmy politicians of this day, to be secured by stipulation, were ever preserved? Would it not be mere trifling to make any such stipulations, in any absolute monarchy?

On the other hand, if your interest and that of your rulers are the same, your liberties are abundantly secure. Perhaps the most secure when their power is most complete. Perhaps a provision that they should never raise troops in time of peace, might at some period embarrass the public concerns and endanger the liberties of the people. It is possible that in the infinite variety of events, it might become improper strictly to adhere to any one provision that has ever been proposed to be stipulated. At all events, the people have always been perfectly safe without any stipulation of the kind, when the rulers were interested to make them safe; and never otherwise.

No people can be more secure against any oppression in their

rulers than you are at present; and no rulers can have more supreme and unlimited authority than your general assembly have.

When you consult on the subject of adopting the new constitution, you do not enquire whether the powers therein contained can be safely lodged in any hands whatever. For not only those very powers, but all other powers, are already in the general assembly. - - - - The enquiry is, whether Congress is by this new constitution so formed that a part of the power now in the general assembly would be as well lodged in Congress. Or, as was before said, it depends on how far the members are under your control; and how far their interest and yours are the same; to which careful attention must be given.

A COUNTRYMAN, IV.

THE NEW HAVEN GAZETTE.

(Number 42)

THURSDAY, DECEMBER 6, 1787.

TO THE PEOPLE OF CONNECTICUT.

If the propriety of trusting your government in the hands of your representatives was now a perfectly new question, the expediency of the measure might be doubted. A very great portion of the objections which we daily find made against adopting the new constitution (and which are just as weighty objections against our present government, or against any government in existence) would doubtless have their influence; and perhaps would determine you against trusting the powers of sovereignty out of your own hands.

The best theory, the best philosophy on the subject, would be too uncertain for you to hazard your freedom upon.

But your freedom, in that sense of the expression (if it could be called sense), is already totally gone. Your Legislature is not only supreme in the usual sense of the word, but they have *literally, all the powers of society.* Can you—can you *possibly* grant anything new? Have you any power which is not already granted to your General Assembly? You are indeed called on to say whether a part of the powers now exercised by the General Assembly, shall not, in future, be exercised by Congress. And it is clearly much better for your interest, that Congress should experience those powers than that they should continue in the General Assembly, provided you can trust Congress as safely as the General Assembly.

What forms your security under the General Assembly? Nothing save that the interest of the members is the same as yours. Will it be the same with Congress? There are essentially only two differences between the formation of Congress and of your General Assembly. One is, - - - that Congress are to govern a much larger tract of country, and a much greater number of people, consequently your proportion of the government will be much smaller than at present. The other difference is - - - that the members of Congress when elected, hold their places for two, four and six years, and the members of Assembly only six and twelve months.

The first of these differences was discussed pretty fully in the first number, (when there was no idea of proceeding thus far on the subject), and has all the force as an objection against the powers of Congress, that it would have if applied to a proposal to give up the sovereignty of the several towns of the state, (if such sovereignty had existed,) and unite in state government.

It would be only a repetition to enter into a consideration of this difference between Congress and your Assembly.

It has been suggested that the six or eight members which we shall send to Congress will be men of property, who can little feel any burthens they may lay on society. How far is this idea supported by experience? As the members are to pay their proportion, will they not be as careful of laying too great burthens as poorer people? Are they less careful of their money than the poor? This objection would be much stronger against trusting the power out of your hands at all. If the several towns were now independent, this objection would be much more forcible against uniting in state government, and sending one or two of your most wealthy men to Hartford or New Haven, to vote away your money. But this you have tried, and found that assemblies of representatives are less willing to vote away money than even their constituents. An individual of any tolerable economy, pays all his debts, and perhaps has money beforehand. A small school district, or a small parish, will see what sum they want, and usually provide sufficiently for their wants, and often have a little money at interest.

Town voters are partly representatives, i. e. many people pay town taxes who have no right to vote, but the money they vote away is principally their own. The towns in this state tax themselves less willingly than smaller bodies. They generally however tax themselves sufficiently to nearly pay the demands against them within the year, very seldom raise money beforehand by taxes. The Generally Assembly of this state could never be induced to *attempt* to do more than pay the annual interest of what they owe, and occasionally sink very small parts of the principal, and they never in fact did thus much, and we are all witnesses that they are full as careful of the public money as we can wishs It never was a complaint that they were too ready to allow individuals large sums. A man who has a claim against a town, and applies to a town-meeting, is very likely to obtain justice: but he who has a claim against the state, and applies to the General Assembly, stands but a poor chance to obtain justice. Some rule will be found to exclude his claim,—or to lessen it,—or he will be paid in a security - - - not worth half the money.

You have uniformly experienced that your representatives are as careful, if not more so, of your money, than you yourselves are in your town-meetings; but still your representatives are generally men of property, and those of them who are most independent, and those whom you have sent to Congress, have not been by any means the least careful.

A COUNTRYMAN, V.

THE NEW HAVEN GAZETTE.

(Number 44)

TUESDAY, DECEMBER 20, 1787.

TO THE PEOPLE OF CONNECTICUT.

You do not hate to read Newspaper Essays on the new constitution, more than I hate to write them. Then *we will be short* - - - which I have often found the *best* expression in a dull sermon, except the *last.*

Whether the mode of election pointed out in the proposed constitution is well calculated to support the principles which were designed to be established in the different branches of the legislature, may perhaps be justly doubted:—and may perhaps in some future day be discussed.

The design undoubtedly was, that the house of representatives should be a *popular* assembly,—that the senate should, in its nature, be somewhat more permanent, and that the two houses should be completely independent of each other. These *principles* are right.—for the present we will suppose they will be supported—there then remains to be considered no considerable difference between the constitutional government which is proposed, and your present government, except that the time for which you choose your present rulers is only for six and twelve months, and the time for which you are to choose your continental rulers is for two, four and six years.

The convention were mistaken if they supposed they should lessen the evils of tumultuous elections by making elections less frequent. But are your liberties endangered by this measure?

Philosophy may mislead you. Ask experience. Are not the liberties of the people of England as safe as yours?—They are not as free as yours, because much of their government is in the hands of *hereditary majesty* and *nobility*. But is not that part of the government which is under the control of the commons exceedingly well guarded? But still the house of commons is only a third branch—the *only* branch who are appointed by the people —and they are chosen but once in *seven years*. Is there then any danger to be apprehended from the length of time that your rulers are to serve? when none are to serve more than six years - - - one whole house but two years, and your President but four.

The great power and influence of an hereditary monarch of Britain has spread many alarms, from an apprehension that the commons would sacrifice the liberties of the people to the money or influence of the crown: but the influence of a powerful *hereditary* monarch, with the national Treasury—Army—and fleet at his command—and the whole executive government - - - and one-third of the legislative in his hands constantly operating on a house of commons, whose duration is never less than *seven years*, unless this same monarch should *end* it, (which he can do in an hour,) has never yet been sufficient to obtain one vote of the house of commons which has taken from the people the *liberty of the press*, - - - *trial by jury*, - - - *the rights of conscience, or of private property*.

Can you then apprehend danger of oppression and tyranny from the too great duration of the power of *your* rulers?

THE LETTERS

OF

A CITIZEN OF NEW HAVEN,

WRITTEN BY

ROGER SHERMAN,

AND PRINTED IN

THE NEW HAVEN GAZETTE,

DECEMBER,

1789.

NOTE.

THESE letters are ascribed to Sherman on the authority mentioned at page 213.

In a letter from James Madison to Edmund Randolph, (*Correspondence*, I, 63), he says:

On the subject of amendments, nothing has been publickly, and very little privately, said. Such as I am known to have espoused will, as far as I can gather, be attainable from the federalists, who sufficiently predominate in both branches, though with some the concurrence will proceed from a spirit of conciliation rather than conviction. Connecticut is least inclined, though I presume not inflexibly opposed, to a moderate revision. A paper, which will probably be republished in the Virginia gazettes, under the signature of a citizen of New Haven, unfolds Mr. Sherman's opinions.

In the *Writings of John Adams*, (VI, 427), is a correspondence between Adams and Sherman, produced by these articles, which should be studied in connection with them.

A CITIZEN OF NEW HAVEN, I.

THE NEW HAVEN GAZETTE.

(Number 48)

THURSDAY, DECEMBER 4, 1788.

Observations on the Alterations Proposed as Amendments to the new Federal Constitution.

Six of the states have adopted the new constitution without proposing any alteration, and the most of those proposed by the conventions of other states may be provided for by congress in a code of laws without altering the constitution. If congress may be safely trusted with the affairs of the Union, and have sufficient powers for that purpose, and possess no powers but such as respect the common interest of the states (as I have endeavored to show in a former piece), then all the matters that can be regulated by law may safely be left to their discretion, and those will include all that I have noticed except the following, which I think on due consideration will appear to be improper or unnecessary.

1. It is proposed that the consent of two-thirds or three-fourths of the members present in this branch of the congress shall be required for passing certain acts.

On which I would observe, that this would give a minority in congress power to controul the majority, joined with the concurrent voice of the president, for if the president dissents, no act can pass without the consent of two-thirds of the members in each branch of congress; and would not that be contrary to the general principles of republican government?

2. That impeachments ought not to be tried by the senate, or not by the senate alone.

But what good reason can be assigned why the senate is not the most proper tribunal for that purpose? The members are to be chosen by the legislatures of the several states, who will doubtless appoint persons of wisdom and probity, and from their office can have no interested motives to partiality. The house of peers in Great Britian try impeachments and are also a branch of the legislature.

3. It is said that the president ought not to have power to grant pardons in cases of high treason, but the congress.

It does not appear that any great mischief can arise from the exercise of this power by the president (though perhaps it might as well have been lodged in congress). The president cannot pardon in case of impeachment, so that such offenders may be excluded from office notwithstanding his pardon.

4. It is proposed that members of congress be rendered ineligible to any other office during the time for which they are elected members of that body.

This is an objection that will admit of something plausible to be said on both sides, and it was settled in convention on full discussion and deliberation. There are some offices which a member of congress may be best qualified to fill, from his knowledge of public affairs acquired by being a member, such as minister to foreign courts, &c., and on accepting any other office his seat in congress will be vacated, and no member is eligible to any office that shall have been instituted or the emoluments increased while he was a member.

5. It is proposed to make the president and senators ineligible after certain periods.

But this would abridge the privilege of the people, and remove one great motive to fidelity in office, and render persons incapable of serving in offices, on account of their experience, which would best qualify them for usefulness in office—but if their services are not acceptable they may be left out at any new election.

6. It is proposed that no commercial treaty should be made without the consent of two-thirds of the senators, nor any cession of territory, right of navigation or fishery, without the consent of three-fourths of the members present in each branch of congress.

It is provided by the constitution that no commercial treaty shall be made by the president without the consent of two-thirds of the senators present, and as each state has an equal representation and suffrage in the senate, the rights of the state will be as well secured under the new constitution as under the old; and it is not probable that they would ever make a cession of territory or any important national right without the consent of congress. The king of Great Britian has by the constitution a power to make treaties, yet in matters of great importance he consults the parliament.

7. There is one amendment proposed by the convention of South Carolina respecting religious tests, by inserting the word *other*, between the words *no* and *religious* in that article, which is an ingenious thought, and had that word been inserted, it would probably have prevented any objection on that head. But it may be considered as a clerical omission and be inserted without calling a convention; as it now stands the effect will be the same.

On the whole it is hoped that all the states will consent to make a fair trial of the constitution before they attempt to alter it; experience will best show whether it is deficent or not, on trial it may appear that the alterations that have been proposed are not necessary, or that others not yet thought of may be necessary; everything that tends to disunion ought to be avoided. Instability in government and laws tends to weaken a state and render the rights of the people precarious.

If another convention should be called to revise the constitution, 'tis not likely they would be more unanimous than the former; they might judge differently in some things, but is it certain that they would judge better? When experience has convinced the states and people in general that alterations are necessary, they may be easily made, but attempting it at present may be detrimental if not fatal to the union of the states.

The judiciary department is perhaps the most difficult to be precisely limited by the constitution, but congress have full power to regulate it by law, and it may be found necessary to vary the regulations at different times as circumstances may differ.

Congress may make requisitions for supplies previous to direct

taxation, if it should be thought to be expedient, but if requisitions be made and some states comply and others not, the non-complying states must be considered and treated as delinquents, which will tend to excite disaffection and disunion among the states, besides occasioning delay; but if congress lay the taxes in the first instance these evils will be prevented, and they will doubtless accommodate the taxes to the customs and convenience of the several states.

Some suppose that the representation will be too small, but I think it is in the power of congress to make it too large, but I believe that it may be safely trusted with them. Great Britian contains about three times the number of the inhabitants in the United States, and according to Burgh's account in his political disquisitions, the members of parliament in that kingdom do not exceed 131, and if 69 more be added from the principal cities and towns the number would be 200; and strike off those who are elected by the small boroughs, which are called the rotten part of the constitution by their best patriots and politicians, that nation would be more equally and better represented than at present; and if that would be a sufficient number for their national legislature, one-third of that number will be more than sufficient for our federal legislature who will have few general matters to transact. But these and other objections have been considered in a former paper, before referred to. I shall therefore conclude this with my best wishes for the continuance of the peace, liberty and union of these states.

A CITIZEN OF NEW HAVEN.

A CITIZEN OF NEW HAVEN, II.

THE NEW HAVEN GAZETTE.

(Number 51)

THURSDAY, DECEMBER 25, 1788.

Observations on the New Federal Constitution.

In order to form a good Constitution of Government, the legislature should be properly organized, and be vested with plenary powers for all the purposes for which the government was instituted, to be exercised for the public good as occasion may require.

The greatest security that a people can have for the enjoyment of their rights and liberties, is that no laws can be made to bind them nor any taxes imposed upon them, without their consent by representatives of their own chusing, who will participate with them in the public burthens and benefits; this was the great point contended for in our controversy with Great Britain, and this will be fully secured to us by the new constitution. The rights of the people will be secured by a representation in proportion to their numbers in one branch of the legislature, and the rights of the particular states by their equal representation in the other branch.

The President and Vice-President as well as the members of Congress will be eligible for fixed periods, and may be re-elected as often as the electors shall think fit, which will be a great security for their fidelity in office, and give greater stability and energy to government than an exclusion by rotation, and will be an operative and effectual security against arbitrary government, either monarchial or aristocratic.

The immediate security of the civil and domestic rights of the people will be in the government of the particular states. And as the different states have different local interests and customs which can be best regulated by their own laws, it should not be expedient to admit the federal government to interfere with them, any farther than may be necessary for the good of the whole. The great end of the federal government is to protect the several states in the enjoyment of those rights, against foreign invasion, and to preserve peace and a beneficial intercourse among themselves; and to regulate and protect our commerce with foreign nations.

These were not sufficiently provided for by the former articles of confederation, which was the occasion of calling the late Convention to make amendments. This they have done by forming a new constitution containing the powers vested in the federal government, under the former, with such additional powers as they deemed necessary to attain the ends the states had in view, in their appointment. And to carry those powers into effect, they thought it necessary to make some alterations in the organization of the government: this they supposed to be warranted by their commission.

The powers vested in the federal government are clearly defined, so that each state still retain its sovereignty in what concerns its own internal government, and a right to exercise every power of a sovereign state not particularly delegated to the government of the United States. The new powers vested in the United States, are, to regulate commerce; provide for a uniform practice respecting naturalization, bankruptcies, and organizing, arming and training the militia; and for the punishment of certain crimes against the United States; and for promoting the progress of science in the mode therein pointed out. There are some other matters which Congress has power under the present confederation to require to be done by the particular states, which they will be authorized to carry into effect themselves under the new constitution; these powers appear to be necessary for the common benefit of the states, and could not be effectually provided for by the particular states.

The objects of expenditure will be the same under the new constitution, as under the old; nor need the administration of government be more expensive; the number of members of Congress will be the same, nor will it be necessary to increase the number of officers in the executive department or their salaries; the supreme executive will be in a single person, who must have an honourable support; which perhaps will not exceed the present allowance to the President of Congress, and the expence of supporting a committee of the states in the recess of Congress.

It is not probable that Congress will have occasien to sit longer than two or three months in a year, after the first session, which may perhaps be something longer. Nor will it be necessary for the Senate to sit longer than the other branch. The appointment of officers may be made during the session of Congress, and trials on impeachment will not often occur, and will require but little time to attend to them. The security against keeping up armies in time of peace will be greater under the new constitution than under the present, because it can't be done without the concurrence of two branches of the legislature, nor can any appropriation of money for that purpose be in force more than two years; whereas there is no restriction under the present confederation.

The liberty of the press can be in no danger, because that is not put under the direction of the new government.

If the federal government keeps within its proper jurisdiction, it will be the interest of the state legislatures to support it, and they will be a powerful and effectual check to its interfering with their jurisdiction. But the objects of federal government will be so obvious that there will be no great danger of any interference.

The principal sources of revenue will be imposts on goods imported, and sale of the western lands, which will probably be sufficient to pay the debts and expences of the United States while peace continues; but if there should be occasion to resort to direct taxation, each state's quota will be ascertained according to a rule which has been approved by the legislatures of eleven of the states, and should any state neglect to furnish its quota, Congress may raise it in the same manner that the state ought to have done; and what remedy more easy and equitable could be devised, to obtain the supplies from a delinquent state?

Some object, that the representation will be too small; but the states have not thought fit to keep half the number of representatives in Congress that they are entitled to under the present confederation; and of what advantage can it be to have a large assembly to transact the few general matters that will come under the direction of Congress.—The regulating of time, place and manner of elections seems to be as well secured as possible; the legislature of each state may do it, and if they neglect to do it in the best manner, it may be done by Congress;—and what motive can either have to injure the people in the exercise of that right? the qualifications of the electors are to remain as fixed by the constitutions and laws of the several states.

It is by some objected, that the executive is blended with the legislature, and that those powers ought to be entirely distinct and unconnected, but is not this a gross error in politics? The united wisdom and various interests of a nation should be combined in framing the laws. But the execution of them should not be in the whole legislature; that would be too troublesome and expensive; but it will not thence follow that the executive should have no voice or influence in legislation. The executive in Great Britian is one branch of the legislature, and has a negative on all laws; perhaps that is an extreme not to be imitated by a republic, but the partial negative vested in the President by the new Constitution on the acts of Congress and the subsequent revision, may be very useful to prevent laws being passed without mature deliberation.

The Vice-President while he acts as President of the Senate will have nothing to do in the executive department; his being elected by all the states will incline him to regard the interests of the whole, and when the members of the senate are equally divided on any question, who so proper to give a casting vote as one who represents all the states?

The power of the President to grant pardons extends only to offences committed against the United States, which can't be productive of much mischief, especially as those on Impeachment are excepted, which will exclude offenders from office.

It was thought necessary in order to carry into effect the laws

of the Union, to promote justice, and preserve harmony among the states, to extend the judicial powers of the United States to the enumerated cases, under such regulations and with such exceptions as shall be provided by law, which will doubtless reduce them to cases of such magnitude and importance as cannot safely be trusted to the final decision of the courts of particular states; and the constitution does not make it necessary that any inferior tribunals should be instituted, but it may be done if found necessary; 'tis probable that the courts of particular states will be authorized by the laws of the union, as has been heretofore done in cases of piracy, &c., and the Supreme Court may have a circuit to make trials as convenient, and as little expensive as possible to the parties; nor is there anything in the constitution to deprive them of trial by jury in cases where that mode of trial has been heretofore used. All cases in the courts of common law between citizens of the same state, except those claiming lands under grants of different states, must be finally decided by courts of the state to which they belong, so that it is not probable that more than one citizen to a thousand will ever have a cause that can come before a federal court.

Every department and officer of the federal government will be subject to the regulation and control of the laws, and the people will have all possible securities against oppression. Upon the whole, the constitution appears to be well framed to secure the rights and liberties of the people and for preserving the governments of the individual states, and if well administered, to restore and secure public and private credit, and to give respectability to the states both abroad and at home. Perhaps a more perfect one could not be formed on mere speculation; and if upon experience it shall be found deficient, it provides an easy and peaceable mode to make amendments. Is it not much better to adopt it than to continue in present circumstances? Its being agreed to by all the states present in Convention, is a circumstance in its favour, so far as any respect is due to their opinions.

A CITIZEN OF NEW HAVEN.

THE LETTERS

OF

CATO,

WRITTEN BY

GEORGE CLINTON,

AND PRINTED IN

THE NEW YORK JOURNAL,

SEPTEMBER-JANUARY,

1787-8.

NOTE.

THESE letters were commonly ascribed to the pen of George Clinton in the press of the day, and that this ascription was right seems to be proved by the following letter. Though signed by Hamilton, it is in the handwriting of John Lamb, a leading anti-federalist of New York, and is in the George Clinton MSS. in the New York State Library. It thus seems apparent that it is a copy secured in some way by Hamilton's political opponents:

OCTOBER 18, 1787.

Dear Sir:

Since my last the chief of the state party has declared his opposition to the government proposed, both in private conversation and in print. That you may judge of the *reason* and *fairness* of his views, I send you the two essays, with a reply by Cæsar. On further consideration it was concluded to abandon this personal form, and to take up the principles of the whole subject. These will be sent you as published, and might with advantage be republished in your gazettes." * * * *

A. HAMILTON.

This copy, so obtained, seems to have been the basis of the following note in the *New York Journal:*

"A writer in the state of New-York, under the signature of *Cesar*, came forward against the patriotic *Cato* and endeavoured to frighten him from starting any objections and threatened that '*Cato* would be followed by *Cesar* in all his marches;' but we find that as soon as ever *Cato* came freely to discuss the merit of the constitution *Cesar* retreated and disappeared: and since that a publication under the signature of Publius . . . has appeared in that state."

Another evidence in confirmation is, that the last of this series was printed on January 3, 1788, and the New York Assembly met on the 9th of the same month, after which Governor Clinton was probably too occupied to write more, though no conclusion was announced in the last essay, and it is probable no such termination was intended. Following these are the two essays of *Cæsar* mentioned above.

CATO, I.

THE NEW YORK JOURNAL.

(Number 2134)

THURSDAY, SEPTEMBER 27, 1787.

For the New York Journal.

TO THE CITIZENS OF THE STATE OF NEW YORK:

The Convention, who sat at Philadelphia, have at last delivered to Congress that system of general government, which they have declared best calculated to promote your safety and happiness as citizens of the United States. This system, though not handed to you formally by the authority of government, has obtained an introduction through divers channels; and the minds of you all, to whose observation it has come, have no doubt been contemplating it; and alternate joy, hope, or fear have preponderated, as it conformed to, or differed from, your various ideas of just government.

Government, to an American, is the science of his political safety; this then is a moment to you the most important—and that in various points—to your reputation as members of a great nation—to your immediate safety, and to that of your posterity. In your private concerns and affairs of life you deliberate with caution, and act with prudence; your public concerns require a caution and prudence, in a ratio suited to the difference and dignity of the subject. The disposal of your reputation, and of your lives and property, is more momentous than a contract for a farm, or the sale of a bale of goods; in the former, if you are negligent or inactive, the ambitious and despotic will entrap you in their toils, and bind you with the cord of power from which you, and

your posterity may never be freed; and if the possibility should exist, it carries along with it consequences that will make your community totter to its center: in the latter, it is the mere loss of a little property, which more circumspection or assiduity may repair.

Without directly engaging as an advocate for this new form of national government, or as an opponent—let me conjure you to consider this a very important crisis of your safety and character. You have already, in common with the rest of your countrymen, the citizens of the other states, given to the world astonishing evidence of your greatness—you have fought under peculiar circumstances, and were successful against a powerful nation on a speculative question, you have established an original compact between you and your governors, a fact heretofore unknown in the formation of the governments of the world; your experience has informed you, that there are defects in the federal system, and, to the astonishment of mankind, your legislatures have concerted measures for an alteration, with as much ease as an individual would make a disposition of his ordinary domestic affairs: this alteration now lies before you, for your consideration; but beware how you determine—do not, because you admit that something must be done, adopt anything—teach the members of that convention that ye are capable of a supervision of their conduct, The same medium that gave you this system, if it is erroneous. while the door is now open, can make amendments, or give you another, if it is required. Your fate, and that of your posterity, depends on your present conduct; do not give the latter reason to curse you, nor yourselves cause of reprehension; as individuals you are ambitious of leaving behind you a good name, and it is the reflection that you have done right in this life, that blunts the sharpness of death; the same principles would be a consolation to you, as patriots, in the hour of dissolution, that you would leave to your children a fair political inheritance, untouched by the vultures of power, which you had acquired by an *unshaken perseverance* in the cause of liberty; but how miserable the alternative—you would deprecate the ruin you had brought upon yourselves, be the curse of posterity, and the scorn and scoff of nations.

Deliberate, therefore, on this new national government with coolness; analize it with criticism; and reflect on it with candor: if you find that the influence of a powerful few, or the exercise of a standing army, will always be directed and exerted for your welfare alone, and not to the aggrandizement of themselves, and that it will secure to you and your posterity happiness at home, and national dignity and respect from abroad, adopt it; if it will not, reject it with indignation—better to be where you are for the present, than insecure forever afterwards. Turn your eyes to the United Netherlands, at this moment, and view their situation; compare it with what yours may be, under a government substantially similar to theirs.

Beware of those who wish to influence your passions, and to make you dupes to their resentments and little interests—personal invectives can never persuade, but they always fix prejudices, which candor might have removed—those who deal in them have not your happiness at heart. Attach yourselves to measures, not to men.

This form of government is handed to you by the recommendations of a man who merits the confidence of the public; but you ought to recollect that the wisest and best of men may err, and their errors, if adopted, may be fatal to the community; therefore, in principles of *politics*, as well as in religious faith, every man ought to think for himself.

Hereafter, when it will be necessary, I shall make such observations on this new constitution as will tend to promote your welfare and be justified by reason and truth. CATO.

Sept. 26, 1787.

CATO, II.

THE NEW YORK JOURNAL.

(Number 2136)

THURSDAY, OCTOBER 11, 1787.

For the New York Journal.

To the CITIZENS *of the* STATE *of* NEW YORK:

"Remember, O my friends! the laws, the rights,
"The generous plan of power deliver'd down,
"By your renown'd Forefathers;
"So dearly bought, the price of so much blood!
"O let it never perish in your hands!
"But piously transmit it to your children."

The object of my last address to you was to engage your dispassionate consideration of the new Federal government; to caution you against precipitancy in the adoption of it; to recommend a correction of its errors, if it contained any; to hint to you the danger of an easy perversion of some of its powers; to solicit you to separate yourselves from party, and to be independent of and uninfluenced by any in your principles of politics; and that address was closed with a promise of future observations on the same subject, which should be justified by reason and truth. Here I intended to have rested the introduction; but a writer under the signature of CÆSAR, in Mr. Child's paper of the 1st instant, who treats you with passion, insult, and threat, has anticipated those observations which would otherwise have remained in silence until a future period. It would be criminal in me to hesitate a moment to appear as your advocate in so interesting a cause, and to resist the influence of such doctrines as this Cæsar holds. I

shall take no other cognizance of his remarks on the *questionable* shape of my future, or the *equivocal* appearance of my past reflections, than to declare, that in my past, I did not mean to be misunderstood (for Cæsar himself declares that it is obviously the language of distrust), and that in my future there will not be the semblance of doubt. But what is the language of Cæsar—he ridicules your prerogative, power, and majesty—he talks of this *proffered constitution* as the tender mercy of a benevolent sovereign to deluded subjects, or, as his tyrant name-sake, of his proffered grace to the virtuous Cato:—he shuts the door of free deliberation and discussion, and declares that you must receive this government in manner and form as it is *proffered*—that you cannot revise or amend it, and lastly, to close the scene, he insinuates that it will be more healthy for you that the American Fabius should be induced to accept of the presidency of this new government than that, in case you do not acquiesce, he should be solicited to command an army to impose it on you. Is not your indignation roused at this absolute, imperious style? For what did you open the veins of your citizens and expend their treasure? For what did you throw off the yoke of Britain and call yourselves independent? Was it from a disposition fond of change, or to procure new masters?—if those were your motives, you have reward before you—go, retire into silent obscurity, and kiss the rod that scourges you, bury the prospects you had in store, that you and your posterity would participate in the blessings of freedom, and the employments of your country—let the rich and insolent alone be your rulers. Perhaps you are designed by providence as an emphatic evidence of the mutability of human affairs, to have the show of happiness only, that your misery may seem the sharper, and if so, you must submit. But if you had nobler views, and you are not designed by heaven as an example —are you now to be derided and insulted? Is the power of thinking, on the only subject important to you, to be taken away? and if per chance you should happen to differ from Cæsar, are you to have Cæsar's principles crammed down your throats with an army? God forbid!

In democratic republics the people collectively are considered

as the sovereign—all legislative, judicial, and executive power, is inherent in and derived from them. As a people, your power and authority have sanctioned and established the present government—your executive, legislative, and judicial acknowledge it by their public acts—you are again solicited to sanction and establish the future one—yet this Cæsar mocks your dignity and laughs at the majesty of the people. Cæsar, with his usual dogmatism, enquires, if I had talents to throw light on the subject of legislation, why did I not offer them when the Convention was in session? He is answered in a moment—I thought with him and you, that the wisdom of America, in that Convention, was drawn as it were to a Focus. I placed an unbounded confidence in some of the characters who were members of it, from the services they had rendered their country, without adverting to the ambitious and interested views of others. I was willingly led to expect a model of perfection and security that would have astonished the world. Therefore to have offered observation, on the subject of legislation, under these impressions, would have discovered no less arrogance than Cæsar. The Convention, too, when in session, shut their doors to the observations of the community, and their members were under an obligation of secrecy. Nothing transpired. To have suggested remarks on unknown and anticipated principles would have been like a man groping in the dark, and folly in the extreme. I confess, however, I have been disappointed, and Cæsar is candid enough to make the same declaration, for he thinks it *might* have been more perfect.

But to call in dispute, at this time, and in the manner Cæsar does, the right of free deliberation on this subject, is like a man's propounding a question to another, and telling him at the same that if he does not answer agreeable to the opinion of the propounder, he will exert force to make him of the same sentiment: to exemplify this, it will be necessary to give you a short history of the rise and progress of the Convention, and the conduct of Congress thereon. The states in Congress suggested, that the articles of confederation had provided for making alterations in the confederation—that there were defects therein, and as a means to remedy which, a Convention of delegates, appointed by the

different states, was resolved expedient to be held for the sole and express purpose of revising it, and reporting to Congress and the different legislatures such alterations and provisions therein as should (when agreed to in Congress and confirmed by the several states) render the federal constitution adequate to the exigencies of government. This resolution is sent to the different states, and the legislature of this state, with others, appoint, in conformity thereto, delegates for the purpose, and in the words mentioned in that resolve, as by the resolution of Congress, and the concurrent resolutions of the senate and assembly of this state, subjoined, will appear. For the sole and express purpose aforesaid a Convention of delegates is formed at Philadelphia: what have they done? Have they revised the confederation, and has Congress agreed to their report?—neither is the fact. This Convention have exceeded the authority given to them, and have transmitted to Congress a new political fabric, essentially and fundamentally distinct and different from it, in which the different states do not retain separately their sovereignty and independency, united by a confederate league—but one entire sovereignty, a consolidation of them into one government—in which new provisions and powers are not made and vested in Congress, but in an assembly, senate, and president, who are not known in the articles of confederation. Congress, without agreeing to, or approving of, this system *proffered* by the Convention, have sent it to the different legislatures, not for their confirmation, but to submit it to the people; not in conformity to their own resolution, but in conformity to the resolution of the Convention made and provided in that case.* Was it, then, from the face of the foregoing facts, the intention of Congress, and of this and the other states, that the essence of our present national government should be annihilated, or that it should be retained and only have an increase of substantial necessary powers? Congress, sensible of this latter principle, and that

* An attempt had been made in Congress, by the friends of the new government, for Congress to recommend its acceptance, but this produced protest from those opposed to it, and threats of an appeal to the people, so in order to prevent such action a compromise was eventually made, by which it was merely unanimously "transmitted to the several legislatures."—*Ed.*

the Convention had taken on themselves a power which neither they nor the other states had a right to delegate to them, and that they could not agree to and approve of this consolidated system, nor the states confirm it—have been silent on its character; and although many have dwelt on their unanimity, it is no less than the unanimity of opinion that it originated in an assumption of power, which your voice alone can sanctify. This new government, therefore, founded in usurpation, is referred to your opinion as the origin of power not heretofore delegated, and, to this end, the exercise of the prerogative of free examination is essentially necessary; and yet you are unhesitatingly to acquiesce, and if you do not, the American Fabius, if we may believe Cæsar is to command an army to impose it. It is not my view to rouse your passions. I only wish to excite you to, and assist you in, a cool and deliberate discussion of the subject, to urge you to behave like sensible freemen. Think, speak, act, and assert your opinions and rights—let the same good sense govern you with respect to the adoption of a future system for the administration of your public affairs that influenced you in the formation of the present. Hereafter I do not intend to be diverted by Cæsar, or any other. My object is to take up this new form of national government—compare it with the experience and opinions of the most sensible and approved political authors—and to show that its principles, and the exercise of them, will be dangerous to your liberty and happiness.

CATO.

CATO, III.

THE NEW YORK JOURNAL,

(Number 2138)

THURSDAY, OCTOBER 25, 1787.

TO THE CITIZENS OF THE STATE OF NEW YORK:

In the close of my last introductory address, I told you that my object in the future would be to take up this new form of national government, to compare it with the experience and opinions of the most sensible and approved political authors, and to show you that its principles, and the exercise of them, will be dangerous to your liberty and happiness.

Although I am conscious that this is an arduous undertaking, yet I will perform it to the best of my ability.

The freedom, equality and independence which you enjoyed by nature, induced you to consent to a political power. The same principles led you to examine the errors and vices of a British superintendence, to divest yourselves of it, and to reassume a new political shape. It is acknowledged that there are defects in this, and another is tendered to you for acceptance; the great question then, that arises on this new political principle, is, whether it will answer the ends for which it is said to be offered to you, and for which all men engage in political society, to wit, the preservation of their lives, liberties, and estates.

The recital, or premises on which the new form of government is erected, declares a consolidation or union of all the thirteen parts, or states, into one great whole, under the firm of the United States, for all the various and important purposes therein set forth. But whoever seriously considers the immense extent of

territory comprehended within the limits of the United States, together with the variety of its climates, productions, and commerce, the difference of extent, and number of inhabitants in all; the dissimilitude of interest, morals, and politics, in almost every one, will receive it as an intuitive truth, that a consolidated republican form of government therein, can never *form a perfect union, establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to you and your posterity*, for to these objects it must be directed: this unkindred legislature therefore, composed of interests opposite and dissimilar in their nature, will in its exercise, emphatically be like a house divided against itself.

The governments of Europe have taken their limits and form from adventitious circumstances, and nothing can be argued on the motive of agreement from them; but these adventitious political principles, have nevertheless produced effects that have attracted the attention of philosophy, which have established axioms in the science of politics therefrom, as irrefragable as any in Euclid. It is natural, says Montesquieu, *to a republic to have only a small territory, otherwise it cannot long subsist: in a large one, there are men of large fortunes, and consequently of less moderation; there are too great deposits to trust in the hands of a single subject; an ambitious person soon becomes sensible that he may be happy, great, and glorious by oppressing his fellow citizens, and that he might raise himself to grandeur, on the ruins of his country. In large republics, the public good is sacrificed to a thousand views; in a small one, the interest of the public is easily perceived, better understood, and more within the reach of every citizen; abuses have a less extent, and of course are less protected*—he also shows you, that the duration of the republic of Sparta was owing to its having continued with the same extent of territory after all its wars; and that the ambition of Athens and Lacedemon to command and direct the union, lost them their liberties, and gave them a monarchy.

From this picture, what can you promise yourselves, on the score of consolidation of the United States into one government? Impracticability in the just exercise of it, your freedom insecure,

even this form of government limited in its continuance, the employments of your country disposed of to the opulent, to whose contumely you will continually be an object—you must risk much, by indispensably placing trusts of the greatest magnitude, into the hands of individuals whose ambition for power, and aggrandizement, will oppress and grind you—where from the vast extent of your territory, and the complication of interests, the science of government will become intricate and perplexed, and too mysterious for you to understand and observe; and by which you are to be conducted into a monarchy, either limited or despotic; the latter, Mr. Locke remarks, *is a government derived from neither nature nor compact.*

Political liberty, the great Montesquieu again observes, *consists in security, or at least in the opinion we have of security;* and this *security*, therefore, or the *opinion*, is best obtained in moderate governments, where the mildness of the laws, and the equality of the manners, beget a confidence in the people, which produces this security, or the opinion. This moderation in governments depends in a great measure on their limits, connected with their political distribution.

The extent of many of the states of the Union, is at this time almost too great for the superintendence of a republican form of government, and must one day or other revolve into more vigorous ones, or by separation be reduced into smaller and more useful, as well as moderate ones. You have already observed the feeble efforts of Massachusetts against their insurgents; with what difficulty did they quell that insurrection; and is not the province of Maine at this moment on the eve of separation from her? The reason of these things is, that for the security of the *property* of the community, in which expressive term Mr. Locke makes life, liberty, and estate, to consist—the wheels of a republic are necessarily slow in their operation; hence in large free republics, the evil sometimes is not only begun, but almost completed, before they are in a situation to turn the current into a contrary progression: the extremes are also too remote from the usual seat of government, and the laws, therefore, too feeble to afford protection to all its parts, and insure *domestic tranquility* without the

aid of another principle. If, therefore, this state, and that of North Carolina, had an army under their control, they never would have lost Vermont, and Frankland, nor the state of Massachusetts suffer an insurrection, or the dismemberment of her fairest district, but the exercise of a principle which would have prevented these things, if we may believe the experience of ages, would have ended in the destruction of their liberties.

Will this consolidated republic, if established, in its exercise beget such confidence and compliance, among the citizens of these states, as to do without the aid of a standing army? I deny that it will. The malcontents in each state, who will not be a few, nor the least important, will be exciting factions against it—the fear of a dismemberment of some of its parts, and the necessity to enforce the execution of revenue laws (a fruitful source of oppression) on the extremes and in the other districts of the government, will incidentally and necessarily require a permanent force, to be kept on foot: will not political security, and even the opinion of it, be extinguished? Can mildness and moderation exist in a government where the primary incident in its exercise must be force? Will not violence destroy confidence, and can equality subsist where the extent, policy, and practice of it will naturally lead to make odious distinctions among citizens?

The people who may compose this national legislature from the southern states, in which, from the mildness of the climate, the fertility of the soil, and the value of its productions, wealth is rapidly acquired, and where the same causes naturally lead to luxury, dissipation, and a passion for aristocratic distinction; where slavery is encouraged, and liberty of course less respected and protected; who know not what it is to acquire property by their own toil, nor to economize with the savings of industry—will these men, therefore, be as tenacious of the liberties and interests of the more northern states, where freedom, independence, industry, equality and frugality are natural to the climate and soil, as men who are your own citizens, legislating in your own state, under your inspection, and whose manners and fortunes bear a more equal resemblance to your own?

It may be suggested, in answer to this, that whoever is a citi-

zen of one state is a citizen of each, and that therefore he will be as interested in the happiness and interest of all, as the one he is delegated from; but the argument is fallacious, and, whoever has attended to the history of mankind, and the principles which bind them together as parents, citizens, or men, will readily perceive it. These principles are, in their exercise, like a pebble cast on the calm surface of a river—the circles begin in the center, and are small, active, and forcible, but as they depart from that point, they lose their force, and vanish into calmness.

The strongest principle of union resides within our domestic walls. The ties of the parent exceed that of any other; as we depart from home, the next general principle of union is amongst citizens of the same state, where acquaintance, habits, and fortunes, nourish affection, and attachment; enlarge the circle still further, and, as citizens of different states, though we acknowledge the same national denomination, we lose in the ties of acquaintance, habits, and fortunes, and thus by degrees we lessen in our attachments, till, at length, we no more than acknowledge a sameness of species. Is it, therefore, from certainty like this, reasonable to believe, that inhabitants of Georgia, or New Hampshire, will have the same obligations towards you as your own, and preside over your lives, liberties, and property, with the same care and attachment? Intuitive reason answers in the negative.

In the course of my examination of the principles of consolidation of the states into one general government, many other reasons against it have occurred, but I flatter myself, from those herein offered to your consideration, I have convinced you that it is both presumptuous and impracticable, consistent with your safety. To detain you with further remarks would be useless. I shall, however, continue in my following numbers to analyse this new government, pursuant to my promise. CATO.

CATO, IV.

THE NEW YORK JOURNAL,

(Number 2140)

THURSDAY, NOVEMBER 8, 1787.

For the New York Journal.

TO THE CITIZENS OF THE STATE OF NEW YORK:

Admitting, however, that the vast extent of America, together with the various other reasons which I offered you in my last number, against the practicability of the just exercise of the new government are insufficient to convince; still it is an undesirable truth, that its several parts are either possessed of principles, which you have heretofore considered as ruinous and that others are omitted which you have established as fundamental to your political security, and must in their operation, I will venture to assert, fetter your tongues and minds, enchain your bodies, and ultimately extinguish all that is great and noble in man.

In pursuance of my plan I shall begin with observations on the executive branch of this new system; and though it is not the first in order, as arranged therein, yet being the *chief*, is perhaps entitled by the rules of rank to the first consideration. The executive power as described in the 2d article, consists of a president and vice-president, who are to hold their offices during the term of four years; the same article has marked the manner and time of their election, and established the qualifications of the president; it also provides against the removal, death, or inability of the president and vice-president—regulates the salary of the

president, delineates his duties and powers; and, lastly, declares the causes for which the president and vice-president shall be removed from office.

Notwithstanding the great learning and abilities of the gentlemen who composed the convention, it may be here remarked with deference, that the construction of the first paragraph of the first section of the second article is vague and inexplicit, and leaves the mind in doubt as to the election of a president and vice-president, after the expiration of the election for the first term of four years; in every other case, the election of these great officers is expressly provided for; but there is no explicit provision for their election in case of expiration of their offices, subsequent to the election which is to set this political machine in motion; no certain and express terms as in your state constitution, that *statedly* once in every four years, and as often as these offices shall become vacant, by expiration or otherwise, as is therein expressed, an election shall be held as follows, &c., this inexplicitness perhaps may lead to an establishment for life.

It is remarked by Montesquieu, in treating of republics, that *in all magistracies, the greatness of the power must be compensated by the brevity of the duration, and that a longer time than a year would be dangerous.* It is, therefore, obvious to the least intelligent mind to account why great power in the hands of a magistrate, and that power connected with considerable duration, may be dangerous to the liberties of a republic, the deposit of vast trusts in the hands of a single magistrate, enables him in their exercise to create a numerous train of dependents; this tempts his *ambition*, which in a republican magistrate is also remarked, *to be pernicious*, and the duration of his office for any considerable time favors his views, gives him the means and time to perfect and execute his designs, *he therefore fancies that he may be great and glorious by oppressing his fellow-citizens, and raising himself to permanent grandeur on the ruins of his country.* And here it may be necessary to compare the vast and important powers of the president, together with his continuance in office, with the foregoing doctrine—his eminent magisterial situation will attach many adherents to him, and he will be surrounded by expectants

and courtiers, his power of nomination and influence on all appointments, the strong posts in each state comprised within his superintendence, and garrisoned by troops under his direction, his control over the army, militia, and navy, the unrestrained power of granting pardons for treason, which may be used to screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his own guilt, his duration in office for four years: these, and various other principles evidently prove the truth of the position, that if the president is possessed of ambition, he has power and time sufficient to ruin his country.

Though the president, during the sitting of the legislature, is assisted by the senate, yet he is without a constitutional council in their recess; he will therefore be unsupported by proper information and advice, and will generally be directed by minions and favorites, or a council of state will grow out of the principal officers of the great departments, the most dangerous council in a free country.

The ten miles square, which is to become the seat of government, will of course be the place of residence for the president and the great officers of state; the same observations of a great man will apply to the court of a president possessing the powers of a monarch, that is observed of that of a monarch—*ambition with idleness—baseness with pride—the thirst of riches without labor—aversion to truth—flattery—treason—perfidy—violation of engagements—contempt of civil duties—hope from the magistrate's weakness; but above all, the perpetual ridicule of virtue*—these, he remarks, are the characteristics by which the courts in all ages have been distinguished.

The language and the manners of this court will be what distinguishes them from the rest of the community, not what assimilates them to it; and in being remarked for a behavior that shows they are not *meanly born*, and in adulation to people of fortune and power.

The establishment of a vice-president is as unnecessary as it is dangerous. This officer, for want of other employment, is made president of the senate, thereby blending the executive and legis-

lative powers, besides always giving to some one state, from which he is to come, an unjust pre-eminence.

It is a maxim in republics that the representative of the people should be of their immediate choice; but by the manner in which the president is chosen, he arrives to this office at the fourth or fifth hand, nor does the highest vote, in the way he is elected, determine the choice, for it is only necessary that he should be taken from the highest of five, who may have a plurality of votes.

Compare your past opinions and sentiments with the present proposed establishment, and you will find, that if you adopt it, that it will lead you into a system which you heretofore reprobated as odious. Every American Whig, not long since, bore his emphatic testimony against a monarchical government, though limited, because of the dangerous inequality that it created among citizens as relative to their rights and property; and wherein does this president, invested with his powers and prerogatives, essentially differ from the king of Great Britain (save as to name, the creation of nobility, and some immaterial incidents, the offspring of absurdity and locality). The direct prerogatives of the president, as springing from his political character, are among the following: It is necessary, in order to distinguish him from the rest of the community, and enable him to keep, and maintain his court, that the compensation for his services, or in other words, his revenue, should be such as to enable him to appear with the splendor of a prince; he has the power of receiving ambassadors from, and a great influence on their appointments to foreign courts; as also to make treaties, leagues, and alliances with foreign states, assisted by the Senate, which when made become the supreme law of land: he is a constituent part of the legislative power, for every bill which shall pass the House of Representatives and Senate is to be presented to him for approbation; if he approves of it he is to sign it, if he disapproves he is to return it with objections, which in many cases will amount to a complete negative; and in this view he will have a great share in the power of making peace, coining money, etc., and all the various objects of legislation, expressed or implied in this Constitution: for though it may be as-

serted that the king of Great Britain has the express power of making peace or war, yet he never thinks it prudent to do so without the advice of his Parliament, from whom he is to derive his support, and therefore these powers, in both president and king, are substantially the same: he is the generalissimo of the nation, and of course has the command and control of the army, navy and militia; he is the general conservator of the peace of the union—he may pardon all offences, except in cases of impeachment, and the principal fountain of all offices and employments. Will not the exercise of these powers therefore tend either to the establishment of a vile and arbitrary aristocracy or monarchy? The safety of the people in a republic depends on the share or proportion they have in the government; but experience ought to teach you, that when a man is at the head of an elective government invested with great powers, and interested in his re-election, in what circle appointments will be made; by which means an *imperfect aristocracy* bordering on monarchy may be established.

You must, however, my countrymen, beware that the advocates of this new system do not deceive you by a fallacious resemblance between it and your own state government which you so much prize; and, if you examine, you will perceive that the chief magistrate of this state is your immediate choice, controlled and checked by a just and full representation of the people, divested of the prerogative of influencing war and peace, making treaties, receiving and sending embassies, and commanding standing armies and navies, which belong to the power of the confederation, and will be convinced that this government is no more like a true picture of your own than an Angel of Darkness resembles an Angel of Light. CATO.

CATO, V.

THE NEW YORK JOURNAL.

(Number 2145)

THURSDAY, NOVEMBER 22, 1787.

For the New York Journal, &c.

To the CITIZENS *of the* STATE *of* NEW YORK.

In my last number I endeavored to prove that the language of the article relative to the establishment of the executive of this new government was vague and inexplicit; that the great powers of the president, connected with his duration in office, would lead to oppression and ruin; that he would be governed by favorites and flatterers, or that a dangerous council would be collected from the great officers of state; that the ten miles square, if the remarks of one of the wisest men, drawn from the experience of mankind, may be credited, would be the asylum of the base, idle, avaricious and ambitious, and that the court would possess a language and manners different from yours; that a vice-president is as unnecessary as he is dangerous in his influence; that the president cannot represent you because he is not of your own immediate choice; that if you adopt this government you will incline to an arbitrary and odious aristocracy or monarchy; that the president, possessed of the power given him by this frame of government, differs but very immaterially from the establishment of monarchy in Great Britain; and I warned you to beware of the fallacious resemblance that is held out to you by the advocates of this new system between it and your own state governments,

And here I cannot help remarking that inexplicitness seems to pervade this whole political fabric; certainly in political compacts,

which Mr. Coke calls *the mother and nurse of repose and quietness* the want of which induced men to engage in political society, has ever been held by a wise and free people as essential to their security; as on the one hand it fixes barriers which the ambitious and tyrannically disposed magistrate dare not overleap, and on the other, becomes a wall of safety to the community—otherwise stipulations between the governors and governed are nugatory; and you might as well deposit the important powers of legislation and execution in one or a few and permit them to govern according to their disposition and will; but the world is too full of examples, which prove that *to live by one man's will became the cause of all men's misery.* Before the existence of express political compacts it was reasonably implied that the magistrate should govern with wisdom and justice; but mere implication was too feeble to restrain the unbridled ambition of a bad man, or afford security against negligence, cruelty or any other defect of mind. It is alleged that the opinions and manners of the people of America are capable to resist and prevent an extension of prerogative or oppression, but you must recollect that opinion and manners are mutable, and may not always be a permanent obstruction against the encroachments of government; that the progress of a commercial society begets luxury, the parent of inequality, the foe to virtue, and the enemy to restraint; and that ambition and voluptuousness, aided by flattery, will teach magistrates where limits are not explicitly fixed to have separate and distinct interests from the people; besides, it will not be denied that government assimilates the manners and opinions of the community to it. Therefore, a general presumption that rulers will govern well is not a sufficient security. You are then under a sacred obligation to provide for the safety of your posterity, and would you now basely desert their interests, when by a small share of prudence you may transmit to them a beautiful political patrimony, which will prevent the necessity of their travelling through seas of blood to obtain that which your wisdom might have secured? It is a duty you owe likewise to your own reputation, for you have a great name to lose; you are characterized as cautious, prudent and jealous in politics; whence is it there-

fore that you about to precipitate yourselves into a sea of uncertainty, and adopt a system so vague, and which has discarded so many of your valuable rights? Is it because you do not believe that an American can be a tyrant? If this be the case, you rest on a weak basis: Americans are like other men in similar situations, when the manners and opinions of the community are changed by the causes I mentioned before; and your political compact inexplicit, your posterity will find that great power connected with ambition, luxury and flattery, will as readily produce a Cæsar, Caligula, Nero and Domitain in America, as the same causes did in the Roman Empire.

But the next thing to be considered, in conformity to my plan, is the first article of this new government, which comprises the erection of the house of representatives and the senate, and prescribes their various powers and objects of legislation. The most general objections to the first article, that biennial elections for representatives are a departure from the safe democratic principles of annual ones—that the number of representatives are too few; that the apportionment and principles of increase are unjust; that no attention has been paid to either the numbers or property in each state in forming the senate; that the mode in which they are appointed and their duration will lead to the establishment of an aristocracy; that the senate and president are improperly connected, both as to appointments and the making of treaties, which are to become the supreme law of the land; that the judicial, in some measure, to wit, as to the trial of impeachments, is placed in the senate, a branch of the legislative, and sometimes a branch of the executive; that Congress have the improper power of making or altering the regulations prescribed by the different legislatures, respecting the time, place and manner of holding elections for representatives, and the time and manner of chosing senators; that standing armies may be established, and appropriation of money made for their support for two years; that the militia of the most remote state may be marched into those states situated at the opposite extreme of this continent; that the slave trade is, to all intents and purposes, permanently established, and a slavish capitation or poll-tax may at any time be levied;

these are some of the many evils that will attend the adoption of this government.

But, with respect to the first objection, it may be remarked that a well-digested democracy has this advantage over all others, to wit: that it affords to many the opportunity to be advanced to the supreme command, and the honors they thereby enjoy fill them with a desire of rendering themselves worthy of them; hence this desire becomes part of their education, is matured in manhood, and produces an ardent affection for their country, and it is the opinion of the great Sidney and Montesquieu that this is, in a great measure, produced by annual election of magistrates.

If annual elections were to exist in this government, and learning and information to become more prevalent, you never would want men to execute whatever you could design. Sidney observes *that a well-governed state is as fruitful to all good purposes as the seven-headed serpent is said to have been in evil; when one head is cut off, many rise up in the place of it.* He remarks further that *it was also thought that free cities, by frequent election of magistrates, became nurseries of great and able men, every man endeavoring to excel others, that he might be advanced to the honor he had no other title to, than what might arise from his merit or reputation;* but the framers of this *perfect government*, as it is called, have departed fram this democratical principle, and established biennial elections for the house of representatives, who are to be chosen by the people, and sextennial for the senate, who are to be chosen by the legislatures of the different states, and have given to the executive the unprecedented power of making temporary senators, in case of vacancies by resignation or otherwise, and so far forth establishing a precedent for virtual representation (though, in fact, their original appointment is virtual), thereby influencing the choice of the legislatures, or if they should not be so complaisant as to conform to his appointment, offence will be given to the executive, and the temporary members will appear ridiculous by rejection; this temporary member, during his time of appointment, will of course act by a power derived from the executive, and for, and under his immediate influence.

It is a very important objection to this government, that the

representation consists of so few; too few to resist the influence of corruption, and the temptation to treachery, against which all governments ought to take precautions—how guarded you have been on this head, in your own state constitution, and yet the number of senators and representatives proposed for this vast continent does not equal those of your own state; how great the disparity, if you compare them with the aggregate numbers in the United States. The history of representation in England, from which we have taken our model of legislation, is briefly this: before the institution of legislating by deputies, the whole free part of the community usually met for that purpose; when this became impossible, by the increase of numbers, the community was divided into districts, from each of which was sent such a number of deputies as was a complete representation of the various numbers and orders of citizens within them; but can it be asserted with truth, that six men can be a complete and full representation of the numbers and various orders of the people in this state? Another thing that may be suggested against the small number of representatives is, that but few of you will have a chance of sharing even in this branch of the legislature; and that the choice will be confined to a very few. The more complete it is, the better will your interests be preserved, and the greater the opportunity you will have to participate in government, one of the principal securities of a free people; but this subject has been so ably and fully treated by a writer under the signature of Brutus,* that I shall content myself with referring you to him thereon, reserving further observations on the other objections I have mentioned, for my future numbers. CATO.

* A series of articles in the *New York Journal*, written by Robert Yates.—*Ed.*

CATO, VI.

THE NEW YORK JOURNAL.

(Number 2163)

THURSDAY, DECEMBER 16, 1787.

For the New York Journal, &c.

To the PEOPLE *of the* STATE *of* NEW YORK.

The next objection that arises against this proffered constitution is, that the apportionment of representatives and direct taxes are unjust. The words, as expressed in this article, are "representatives and direct taxes shall be apportioned among the several states which may be included in this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." In order to elucidate this, it will be necessary to repeat the remark in my last number, that the mode of legislation in the infancy of free communities was by the collective body, and this consisted of free persons, or those whose age admitted them to the right of mankind and citizenship, whose sex made them capable of protecting the state, and whose birth may be denominated Free Born; and no traces can be found that ever women, children, and slaves, or those who were not sui juris, in the early days of legislation, meeting with the free members of the community to deliberate on public measures; hence is derived this maxim in free governments, that representation ought to bear a proportion to the number of free inhabitants in a community; this principle your own state constitution, and others, have observed in the establishment of a future census, in order to

apportion the representatives, and to increase or diminish the representation to the ratio of the increase or diminution of electors. But, what aid can the community derive from the assistance of women, infants and slaves, in their deliberation, or in their defence? and what motives, therefore, could the convention have in departing from the just and rational principle of representation, which is the governing principle of this state and of all America?

The doctrine of taxation is a very important one, and nothing requires more wisdom and prudence than the regulation of that portion, which is taken from, and of that which is left to the subject—and if you anticipate what will be the enormous expense of this new government added also to your own, little will that portion be which will be left to you. I know there are politicians who believe that you should be loaded with taxes, in order to make you industrious, and, perhaps, there are some of this opinion in the convention, but it is an erroneous principle. For, what can inspire you with industry, if the greatest measure of your labors are to be swallowed up in taxes? The advocates for this new system hold out an idea, that you will have but little to pay, for that the revenues will be so managed as to be almost wholly drawn from the source of trade or duties on imports, but this is delusive—for this government to discharge all its incidental expenses, besides paying the interest on the home and foreign debts, will require more money than its commerce can afford; and if you reflect one moment, you will find, that if heavy duties are laid on merchandise, as must be the case if government intends to make this the prime medium to lighten the people of taxes, that the price of the commodities, useful as well as luxurious, must be increased; the consumers will be fewer; the merchants must import less; trade will languish, and this source of revenue in a great measure be dried up; but if you examine this a little further you will find that this revenue, managed in this way, will come out of you, and be a very heavy and ruinous one, at least. The merchant no more than advances the money for you to the public and will not, nor cannot pay any part of it himself; and if he pays more duties, he will sell his commodities at a price portionably raised. Thus the laborer, mechanic, and

farmer must feel it in the purchase of their utensils and clothing —wages, etc., must rise with the price of things or they must be ruined; and that must be the case with the farmer, whose produce will not increase, in the ratio, with labor, utensils and clothing; for that he must sell at the usual price or lower perhaps, caused by the decrease of trade; the consequence will be that he must mortgage his farm, and then comes inevitable bankruptcy.

In what manner then will you be eased, if the expenses of government are to be raised solely out of the commerce of this country; do you not readily apprehend the fallacy of this argument? But government will find that to press so heavily on commerce will not do, and therefore must have recourse to other objects; these will be a capitation or poll-tax, window lights, etc., etc., and a long train of impositions which their ingenuity will suggest; but will you submit to be numbered like the slaves of an arbitrary despot; and what will be your reflections when the tax-master thunders at your door for the duty on that light which is the bounty of heaven. It will be the policy of the great land-holders who will chiefly compose this senate, and perhaps a majority of this house of representatives, to keep their lands free from taxes; and this is confirmed by the failure of every attempt to lay a land-tax in this state; hence recourse must and will be had to the sources I mentioned before. The burdens on you will be insupportable—your complaints will be inefficacious —this will beget public disturbances; and I will venture to predict, without the spirit of prophecy, that you and the government, if it is adopted, will one day be at issue on this point. The force of government will be exerted, this will call for an increase of revenue, and will add fuel to the fire. The result will be that either you will revolve to some other form, or that government will give peace to the country by destroying the opposition. If government therefore can, notwithstanding every opposition, raise a revenue on such things as are odious and burdensome to you, they can do anything.

But why should the number of individuals be the principle to apportion the taxes in each state, and to include in that number women, children and slaves? The most natural and equitable

principle of apportioning taxes would be in a ratio to their property, and a reasonable impost in a ratio to their trade; but you are told to look for the reason of these things in accommodation; but this much-admired principle, when stripped of its mystery, will in this case appear to be no less than a basis for an odious poll-tax—the offspring of despotic governments, a thing so detestable that the state of Maryland, in their bill of rights, declares "that the levying taxes by the poll is grievous and oppressive, and ought to be abolished." A poll-tax is at all times oppressive to the poor, and their greatest misfortune will consist in having more prolific wives than the rich.

In every civilized community, even in those of the most democratic kind, there are principles which lead to an aristocracy—these are superior talents, fortunes and public employments. But in free governments the influence of the two former is resisted by the equality of the laws, and the latter by the frequency of elections, and the chance that every one has in sharing in public business; but when this natural and artificial eminence is assisted by principles interwoven in this government; when the senate, so important a branch of the legislature, is so far removed from the people as to have little or no connection with them; when their duration in office is such as to have the resemblance to perpetuity; when they are connected with the executive, by the appointment of all officers, and also to become a judiciary for the trial of officers of their own appointments; added to all this, when none but men of opulence will hold a seat, what is there left to resist and repel this host of influence and power? Will the feeble efforts of the house of representatives, in whom your security ought to subsist, consisting of about seventy-three, be able to hold the balance against them, when, from the fewness of members in this house, the senate will have in their power to poison even a majority of that body by douceurs of office for themselves or friends? From causes like this both Montesquieu and Hume have predicted the decline of the British government into that of an absolute one; but the liberties of this country, it is probable, if this system is adopted, will be strangled in their birth; for whenever the executive and senate can destroy the independence of the

majority in the house of representatives, then where is your security? They are so intimately connected, that their interests will be one and the same; and will the slow increase of numbers be able to afford a repelling principle? But you are told to adopt this government first, and you will always be able to alter it afterwards; this would first be submitting to be slaves and then taking care of your liberty; and when your chains are on, then to act like freemen.

Complete acts of legislation, which are to become the supreme law of the land, ought to be the united act of all the branches of government; but there is one of the most important duties may be managed by the Senate and executive alone, and to have all the force of the law paramount without the aid or interference of the House of Representatives; that is the power of making treaties. This power is a very important one, and may be exercised in various ways, so as to affect your person and property, and even the domain of the nation. By treaties you may defalcate part of the empire; engagements may be made to raise an army, and you may be transported to Europe, to fight the wars of ambitious princes; money may be contracted for, and you must pay it; and a thousand other obligations may be entered into; all which will become the supreme law of the land, and you are bound by it. If treaties are erroneously or wickedly made who is there to punish,—the executive can always cover himself with the plea that he was advised by the senate, and the senate being a collective body are not easily made accountable for mal-administration. On this account we are in a worse situation than Great Britain, where they have secured by a ridiculous fiction, the king from accountability, by declaring that he can do no wrong, by which means the nation can have redress against his minister; but with us infallibility pervades every part of the system, and neither the executive nor his council, who are a collective body, and his advisers, can be brought to punishment for mal-administration.

CATO.

CATO, VII.

THE NEW YORK JOURNAL.

(Number 2181)

THURSDAY, JANUARY 3, 1788.

For the New York Journal, &c.

TO THE CITIZENS OF THE STATE OF NEW YORK.

That the president and senate are further improperly connected will appear, if it is considered that their dependence on each other will prevent either from being a check upon the other; they must act in concert, and whether the power and influence of the one or the other is to prevail, will depend on the character and abilities of the men who hold those offices at the time. The senate is vested with such a proportion of the executive that it would be found necessary that they should be constantly sitting. This circumstance did not escape the convention, and they have provided for the event, in the 2d article, which declares that the executive may, on extraordinary occasions, *convene both houses or either of them.* No occasion can exist for calling the assembly without the senate; the words *or either of them* must have been intended to apply only to the senate. Their wages are already provided for, and it will be therefore readily observed that the partition between a perpetuation of their sessions, and a perpetuation of offices in the progress of the government, will be found to be but thin and feeble. Besides, the senate, who have the sole power to try all impeachments, in case of the impeachment of the president are to determine, as judges, the propriety of the advice they gave him as senators. Can the senate in this, therefore, be

an impartial judicature? And will they not rather serve as a screen to great public defaulters?

Among the many evils that are incorporated in this new system of government is that of congress having the power of making or altering the regulations prescribed by the different legislatures respecting the time, place and manner of holding elections for representatives, and the time and manner of choosing senators. If it is enquired in what manner this regulation may be exercised to your injury, the answer is easy. By the first article the house of representatives shall consist of members, chosen every second year by the people of the several states who are qualified to vote for members of their several state assemblies; it can therefore readily be believed, that the different state legislatures, provided such can exist after the adoption of this government, will continue those easy and convenient modes for the election of representatives for the national legislature that are in use for the election of members of assembly for their own states; but the congress have, by the constitution, a power to make other regulations or alter those in practice, prescribed by your own state legislatures; hence, instead of having the places of elections in the precincts and brought home almost to your own doors, congress may establish a place, or places, at either the extremes, center or outer parts of the states; at a time and season, too, when it may be very inconvenient to attend; and by these means destroy the rights of election. But in opposition to this reasoning, it is asserted, that it is a necessary power, because the states might omit making rules for the purpose, and thereby defeat the existence of that branch of the government; this is what logicians call *argumentum absurdum*; for the different states, if they will have any security at all in this government, will find it in the house of representatives, and they, therefore, would be very ready to eradicate a principle in which it dwells, or involve their country in an instantaneous revolution. Besides, if this was the apprehension of the framers, and the ground of that provision, why did not they extend this controlling power to the other duties of the several state legislatures? To exemplify this, the states are to appoint senators and electors for choosing of a president; but the

time is to be under the direction of congress. Now, suppose they were to omit the appointment of senators and electors, though congress was to appoint the time, which might well be apprehended, as the omission of regulations for the election of members of the house of representatives, provided they had that power; or suppose they were not to meet at all; of course, the government cannot proceed in its exercise. And from this motive or apprehension, congress ought to have taken these duties entirely in their own hands, and, by a decisive declaration, annihilated them, which they in fact have done by leaving them without the means of support, or at least resting on their bounty. To this the advocates for this system oppose the common, empty declamation, that there is no danger that congress will abuse this power; but such language, as relative to so important a subject, is mere vapor, and formed without sense. Is it not in their power, however, to make such regulations as may be inconvenient to you? It must be admitted, because the words are unlimited in their sense. It is a good rule, in the construction of a contract, to suppose that what may be done will be; therefore, in considering this subject, you are to suppose that in the exercise of this government, a regulation of congress will be made for holding an election for the whole state at Poughkeepsie, at New York, or, perhaps, at Fort Stanwix; who will then be the actual electors for the house of representatives? You ought certainly to have as much or more distrust with respect to the exercise of these powers by congress, than congress ought to have with respect to the exercise of those duties which ought to be entrusted to the several states, because over them congress can have a legislative controlling power.

Hitherto we have tied up our rulers in the exercise of their duties by positive restrictions; if the cord has been drawn too tight, loosen it to the necessary extent, but do not entirely unbind them. I am no enemy to placing a reasonable confidence in them, but such an unbounded one as the advocates and framers of this new system advise you to, would be dangerous to your liberties; it has been the ruin of other governments, and will be yours, if you adopt with all its latitudinal power. Unlimited power

in governors as well as individuals is frequently the parent of deception. What facilitated the corrupt designs of Philip of Macedon and caused the ruin of Athens, but the unbounded confidence in their statesmen and rulers? Such improper confidence Demosthenes was so well convinced had ruined his country, that in his second Philippic oration he remarks "that there is one common bulwark with which men of prudence are naturally provided, the guard and security of all people, particularly of free states, against the assaults of tyrants. What is this? Distrust. Of this be mindful; to this adhere; preserve this carefully, and no calamity can affect you." Montesquieu observes that "the course of government is attended with an insensible descent to evil, and there is no reascending to good without very great efforts." The plain influence from this doctrine is, that rulers in all governments will erect an interest separate from the ruled, which will have a tendency to enslave them. There is, therefore, no other way of interrupting this insensible descent and warding off the evil as long as possible, than by establishing principles of distrust on your constituents, and cultivating the sentiment among yourselves. But let me inquire of you, my countrymen, whether the freedom and independence of elections is a point of magnitude? If it is, what kind of a spirit of amity, deference and concession is that which has put in the power of congress, at one stroke, to prevent your interference in government, and do away your liberties forever? Does either the situation or circumstances of things warrant it?

CATO.

THE LETTERS

OF

CÆSAR,

WRITTEN BY

ALEXANDER HAMILTON,

AND PRINTED IN

THE DAILY ADVERTISER,

OCTOBER,

1787.

NOTE.

THESE letters, from what has already been quoted on page 245, were evidently written by Alexander Hamilton. He had just finished a newspaper controversy of a very acrimonious character with George Clinton, which probably caused these letters to be an attack on the writer of *Cato*, rather than a defense of the new government. They are further evidence of the great want of political tact and sympathy with the masses, of which Hamilton gave so many specimens in his short life, and which alone prevented his political success. That he himself realized this mistake is shown by his prompt abandonment of *Cæsar* and his beginning again anew in *The Federalist;* the latter being a singular and interesting contrast in both tone and argument to these earlier writings, which, it should be also considered, were undoubtedly written in great haste.

CÆSAR, I.

THE DAILY ADVERTISER,

(Number 812)

MONDAY, OCTOBER 1, 1787.

The citizens of the State of New York have received yesterday, from *Cato* (an ally of *Pompey*, no doubt), an introductory discourse on the appearance of the new system for the government of the United States: this, we are told, will be followed by such observations, on the constitution proposed to the union, "as will promote our welfare and be justified by reason and truth." There is, in this preparatory lecture, little that is necessary to be dwelt on just now; and if Cato had not possessed his future investigations in such terms as wore a *questionable shape*, they should have passed unheeded.

Cato tells us that he will not *directly engage as an advocate* for this new form of government, or as an *opponent*. Here Cato, without any dispute, acts prudently. It will be wise in him to rest awhile; since he has given a *preface*, which, with small address, can easily be made to work on either side. When the sentiments of the confederate states come to be generally known it will be time enough to proceed. Cato will then *start fair*. A little caution, however, he thinks necessary to be given the meantime. "Do not," says this prudent censor, in addressing the citizens, "because you will admit that *something* must be done, adopt *anything*." What, in the name of common sense, does this injunction import? I appeal to men of understanding, whether it is not obviously the language of distrust, calculated, as far as such a thing can influence, to prejudice the public opinion

against the new constitution; and, in effect, by a periphrastic mode of speech, recommending the rejection of it? "*Teach* the members of the Convention (Cato *very modestly* goes on) that you are capable of supervison of their conduct; the same medium that gave you this system, if it is erroneous, while the door is now open, can make amendments *or give you another.*" O excellent thought, and happily advised! Be clamorous, my friends —be discontented—assert your prerogative—forever assert the power and *majesty of the people.* I am not willing to suspect any man's intentions, when they aim at giving information; but when they come abroad, couched in such *magisterial* terms, I own I feel some indignation. If this demagogue had talents to throw light on the subject of legislation, why did he not offer them when the Convention was in session? If they had been judged useful, no doubt they would have been attended to. But is this *now a time* for such insinuations? Has not the wisdom of America been drawn, as it were, into a focus, and the proffered constitution sent forth with a unanimity that is unequalled in ancient or modern story? And shall we now wrangle and find fault with the *excellent whole*, because, perhaps some of its parts *might have been* more perfect? There is neither virtue or patriotism in such conduct. Besides, how can Cato say, "that the door is now open to receive any amendments, or give us *another constitution*, if required?" I believe he has advanced this without proper authority. I am inclined to believe that the *door of recommendation is shut and cannot be opened by the same men;* that the Convention, in one word, is dissolved; if so we must reject IN TOTO, or *vice versa*; just take it as it is and be thankful. I deny the similarity betwixt the present constitution and that of the United Netherlands. Cato would have drawn a very melancholy picture, but it won't apply. In my most humble opinion, it has a much greater affinity with the government, which, in all human probability, will remain when the history of the Seven Provinces shall be forgotten. Cato tells us (what all America knows by this time) that the new constitution comes sanctioned with the approbation of General Washington; and, though he appears to have some reverence for that great patriot chief, yet he very

sagaciously observes, that the *best and wisest man may err;* and thence asserts, that every man in *politics*, as well as in religion, ought to judge for himself. This paragraph needs no comment, and, for that reason, I shall not touch it; but with all deference to Cato's penetration, I would recommend to him, instead of entering into fruitless discussion of what has come from so many *clear heads* and *good hearts*, to join his fellow-citizens, and endeavor to reconcile this *excellent constitution* to the *weak*, the *suspicious*, and the *interested*, who will be chiefly opposed to it, as soon as possible. I would also advise him to give his vote (as he will probably be one of the Electors) to the American Fabius; it will be more healthy for this country, and *this state*, that he should be induced to accept of the presidency of the new government, than that he should be solicited again to accept of the command of *an army*.

Cato, it appears, intends to adventure on perilous grounds; it will therefore become him to be cautious on what terms he takes the field. "He advises us to attach ourselves to measures, and not to men." In this instance he advises well; and I heartily recommend it to *himself*, and not to forget the force of that important admonition; for Cato, in his future marches, will very probably be *followed* by CÆSAR.

Friday.

CÆSAR, II.

THE DAILY ADVERTISER,

(Number 826)

WEDNESDAY, OCTOBER 17, 1787.

For the Daily Advertiser.

"The great source of all the evils which afflict Republics, is, that the people are too apt to make choice of rulers, who are either Politicians without being Patriots, or Patriots without being Politicians."

MR. CHILDS:

When I took notice of Cato's prefatory address to the Citizens of the State of New York, in your paper of the first instant, I had no serious intention of becoming a controversial defendant of the new constitution. Indeed, if the system required defence, I was neither so weak nor so vain as to suppose myself competent to the task. To obviate difficulties which may arise, when such weighty affairs as the principles of legislation are under discuscussion, I am sensible requires talents far beyond my limited abilities. When I offered a few remarks on Cato's introduction, I was strongly impressed with the idea that even the most substantial criticisms, promulgated by the most influential *avowed Citizens*, could have no good tendency at *this time*. I viewed the public mind as wound up to a great pitch of dissatisfaction, by the inadequacy of the powers of the present Congress to the general good and conversation of the union. I believed then, as I do now, that the people were determined and prepared for a *change*. I conceived, therefore, that the wish of every good man would be, that *this change might be peaceably effected*. With this view I opposed myself to Cato. I asserted, in my last, *that the*

door of recommendation was shut, and cannot be opened by the same men—that the Convention was dissolved. If I am wrong, it will be of great importance to Cato's future remarks that he make it appear. If he will declare from sufficient authority, that the members of the late Convention have only adjourned to give time to hear the sentiments of every political disputant, that after the numerous presses of America have groaned with the heavy productions of speculative politicians, they will *again meet*, weigh their respective merits, and accommodate accordingly—I say, if Cato can do this, I make no hesitation in acknowledging the utility of his plan. In the mean time, I positively deny having any, the most distant desire of shutting the door of free discussion, on any subject which may benefit the people; but I maintain (until Cato's better information refutes me) that the door, as far as relates to *this subject*, is already shut, not by me, but by the highest possible authority which the case admits, even by those great Patriots who were delegated by the people of the United States to *open such a door*, as might enable them to escape from impendding calamities and political shipwreck. This distinction is clear, I conceive, and ought to have some weight even with Cato, as well as those for whom he writes. I am not one of those who gain an influence by cajoling the unthinking mass (tho' I pity their delusions), and ringing in their ears the gracious sound of their *absolute Sovereignty*. I despise the trick of such dirty policy. I know there are Citizens, who, to gain their own private ends, enflame the minds of the well-meaning, tho' less intelligent parts of the community, by sating their vanity with that cordial and unfailing specific, that *all power is seated in the people*. For my part, I am not much attached to the *majesty of the multitude*, and therefore waive all pretensions (founded on such conduct), to their countenance. I consider them in general as very ill qualified to judge for themselves what government will best suit their peculiar situations; nor is this to be wondered at. The science of government is not easily understood. Cato will admit, I presume, that men of good education and deep reflection, only, are judges of the *form* of a government; whether it is constituted on such principles as will restrain arbitrary power, on the one hand,

and equal to the exclusion of corruption and the destruction of licentiousness on the other; whether the New Constitution, if adopted, will prove adequate to such desirable ends, time, the mother of events, will show. For my own part, I sincerely esteem it a system, which, without the finger of *God*, never could have been suggested and agreed upon by such a diversity of interests. I will not presume to say that a more perfect system might not have been fabricated; but who expects perfection at once? And it may be asked, *who are judges of it?* Few, I believe, who have leisure to study the nature of Government scientifically, but will frequently disagree about the quantum of power to be delegated to Rulers, and the different modifications of it. Ingenious men will give every plausible, and, it may be, pretty substantial reasons, for the adoption of two plans of Government, which shall be fundamentally different in their construction, and not less so in their operation; yet both, if honestly administered, might operate with safety and advantage. When a new form of government is fabricated, it lies with the people at large to receive or reject it—that is, their *inherent rights*. Now, I would ask (without intending to triumph over the weaknesses or follies of any men), how are the people to profit by this inherent right? By what conduct do they discover that they are sensible of their own interests in this situation? Is it by the exercise of a well-disciplined reason, and a correspondent education? I believe not. How then? As I humbly conceive, by a tractable and docile disposition, and by honest men endeavoring to keep their minds easy, while others, of the same disposition, with the advantages of genius and learning, are constructing the bark that may, by the blessing of Heaven, carry them to the port of rest and happiness, if they will embark without diffidence and proceed without mutiny. I know this is blunt and ungracious reasoning; it is the best, however, which I am prepared to offer on this momentous business; and, since my own heart does not reproach me, I shall not be very solicitous about its reception. If truth, then, is permitted to speak, the mass of the people of America (any more than the mass of other countries) cannot judge with any degree of precision concerning the fitness of this New Constitution to the peculiar

situation of America; they have, however, done wisely in delegating the power of framing a government to those every way worthy and well-qualified; and, if this Government is snatched, untasted, from them, it may not be amiss to inquire into the causes which will probably occasion their disappointment. Out of several, which present to my mind, I shall venture to select *one*, baneful enough, in my opinion, to work this dreadful evil. There are always men in society of some talents, but more ambition, in quest of *that* which it would be impossible for them to obtain in any other way than by working on the passions and prejudices of the less discerning classes of citizens and yeomanry. It is the plan of men of this stamp to frighten the people with ideal bugbears, in order to mould them to their own purposes. The unceasing cry of these designing croakers is, My friends, your liberty is invaded! Have you thrown off the yoke of one tyrant to invest yourselves with that of another? Have you fought, bled and conquered for *such a change?* If you have—go —retire into silent obscurity, and kiss the rod that scourges you.

To be serious: These state empirics leave no species of deceit untried to convince the unthinking people that they have power to do—what? Why truly to do much mischief, and to occasion anarchy and wild uproar. And for what reason do these political jugglers incite the peaceably disposed to such extravagant commotions? Because until the people really discover that they have *power*, by some outrageous act, they never can become of any importance. The misguided people never reflect during this frenzy, that the moment they become riotous, they renounce, from that moment, their independence, and commence vassals to their ambitious leaders, who instantly, and with a high hand, rob them of their consequence, and apply it to their own present or future aggrandisement; nor will these tyrants over the people stick at sacrificing *their* good, if an advantageous compromise can be effected for *themselves*.

Before I conclude, I cannot refrain from observing that Cato states very disingenuously the manner in which the Federal System came abroad. He tells us, Congress were sensible that the late Convention exercised a power which no authority could

delegate to them. The Convention, says Cato, have taken upon them to make a perfectly new system, which by its operations will absorb the sovereignties of the individual States; this new government founded on *usurpation*, (Cato, this expression is very indecent—but I will rouse no passions against you) this consolidated system Congress did not approve and *therefore* have been *silent* on its character. That Congress was silent on its character is true, but could Cato find no other reason for their silence than that of disapprobation? I believe Congress were by no means dissatisfied with the freedom the Convention took with the Articles of Confederation; I believe further that with very few exceptions, that honorable body approves of the New Constitution; and that they did not accompany it to the States with a recommendatory capitation or circular letter, proceeded from a delicate attention to the members of the late Convention, to a few of their own body, and to the people of America at large. That the Convention went so earnesly into the business committed to their care ought, instead of being matter of chagrin, to occasion the liveliest expressions of approbation and gratitude—as matters stand just now. I think it may be fairly said, that no *generous plan of government* for the *United States* has ever been constructed, (the plan only excepted which is under consideration) so that it seems quite unnecessary in Cato to disturb the peace of society by a bombast appeal to their feelings, on the *generous plan of power delivered down by their renowned forefathers.* I venerate the memory of the slaughtered patriots of America, and rejoice as much as Cato that they did not bleed in vain, but I would have America profit by their death in a different manner from him. I believe they sought to obtain liberty for no particular State, but for the whole Union, indissolubly connected under one controlling and supreme head.

Cato complains of my anticipating parts of his subject which he intended for future periods. I shall break in no more upon his *arrangements.* All he can say against the New Constitution has been already disseminated in a neighboring State by the glorious defenders of *Shayism.* I shall therefore leave Cato to the wicked influences of his own heart, in the fullest persuasion that all good

citizens will combine their influence to establish the fair fabric of American liberty beyond the reach of suspicion, violence, anarchy, and tyranny. When this glorious work is accomplished, what may America not hope to arrive at? I will venture to prophesy that the day on which the Union under the new government shall be ratified by the American States, that *that day* will begin an era which will be recorded and observed by future ages as a day which the Americans had marked by their wisdom in circumscribing the *power* and ascertaining the *decline* of the ancient nations in Christendom. CÆSAR.

October 15.

THE LETTERS

OF

SYDNEY.

WRITTEN BY

ROBERT YATES,

AND PRINTED IN

THE NEW YORK JOURNAL,

JUNE,

1788.

NOTE.

Sydney was a favorite pseudonym of Robert Yates, and was so well known as his pen name by his contemporaries that it was hardly intended as a mask. He had already contributed to the New York Journal a very able series of papers on the Constitution over the signature of *Brutus*, written to influence the people, but the elections had taken place before the appearance of *Sydney*, which were therefore intended for the delegates to the State Convention, soon to assemble. A year later, when Yates was nominated for governor by the Federalists, quotation from these articles was one of the favorite modes of attacking him used by the anti-federalists.

SYDNEY, I.

THE NEW YORK JOURNAL.

(Number 2320)

Friday, June 13, 1788.

For the Daily Patriotic Register.

TO THE CITIZENS OF THE STATE OF NEW YORK.

Although a variety of objections to the proposed new constitution for the government of the United States have been laid before the public by men of the best abilities, I am led to believe that representing it in a point of view which has escaped their observation may be of use, that is, by comparing it with the constitution of the State of New York.

The following contrast is therefore submitted to the public, to show in what instances the powers of the state government will be either totally or partially absorbed, and enable us to determine whether the remaining powers will, from those kind of pillars, be capable of supporting the mutilated fabric of a government, which even the advocates for the new constitution admit excels "the boasted models of Greece or Rome, and those of all other nations, in having precisely marked out the power of the government and the rights of the people."

It may be proper to premise that the pressure of necessity and distress (and not corruption) had a principal tendency to induce the adoption of the state constitutions and the existing confederation, that power was even then vested in the rulers with the greatest caution, and that, as from every circumstance we have reason to infer that the new constitution does not originate from a pure source, we ought deliberately to trace the extent and tendency of

the trust we are about to repose, under the conviction that a reassumption of that trust will at least be difficult, if not impracticable. If we take a retrospective view of the measures of Congress who have their secret journals, the conduct of their officers, at home and abroad, acting under an oath of secrecy, as well as of individuals who were intimately connected with them, from the year 1780 to the last convention, who also acted under an injunction of secrecy (and whose journals have not been published even to this day, but will no doubt continue buried in the dark womb of suspicious secrecy), we can scarcely entertain a doubt but that a plan has long since been framed to subvert the confederation; that that plan has been matured with the most persevering industry and unremitted attention, and that the objects expressed in the preamble to the constitution, that is "to promote the general welfare and secure the blessings of liberty to ourselves and our posterity," were merely the ostensible, and not the real reasons of its framers. That necessity and danger have been the moving causes to the establishment of the confederation will appear from the words of Congress recommending its formation to the several legislatures which are "under a conviction of the absolute necessity of uniting all our councils and all our strength to maintain our common liberties. Let them be examined with liberality becoming brethren and fellow-citizens, surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by the ties the most intimate and indissoluble."

That these principles equally applied to the formation of our state constitution no person can seriously doubt who recollects the rapid progress of the British troops in this state and in Jersey in the year 1776, and the despondence which prevailed among the people on that occasion. The convention of this state, about that period, in explaining to the people the justice of the American cause, addressed them as follows: "You and all men were created free and authorised to establish civil government for the preservation of our rights against civil oppression, and the security of that freedom which God had given you, against the rapacious hand of tyranny and lawless power. If then God hath given

us freedom, are we not responsible to him for that as well as other talents? If it is our birth-right, let us not sell it for a mess of pottage, nor suffer it to be torn from us by the hand of violence."

The omission of a bill of rights in this State has given occasion to an inference that the omission was equally warrantable in the constitution for the United States. On this it may be necessary to observe that while the constitution of this State was in agitation, there appeared doubts upon the propriety of the measure, from the peculiar situation in which the country then was; our connection with Britain dissolved, and her government formally renounced—no substitute devised—all the powers of government avowedly temporary, and solely calculated for defence; it was urged by those in favor of a bill of rights that the power of the rulers ought to be circumscribed, the better to protect the people at large from the oppression and usurpation of their rulers. The English petition of rights, in the reign of Charles the First, and the bill of rights in the reign of king William, were mentioned as examples to support their opinions. Those in opposition admitted that in established governments, which had an implied constitution, a declaration of rights might be necessary to prevent the usurpation of ambitious men, but that was not our situation, for upon the declaration of independence it had become necessary that the exercise of every kind of authority "under the former government should be totally suppressed, and all the power of government exerted under the authority of the people of the colonies;" that we could not suppose that we had an existing constitution or form of government, express or implied, and therefore our situation resembled a people in a state of nature, who are preparing "to institute a government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness," and as such, the constitution to be formed would operate as a bill of rights.

These and the like considerations operated to induce the convention of New York to dismiss the idea of a bill of rights, and the more especially as the legislative state officers being elected by the people at short periods, and thereby rendered from time to

time liable to be displaced in case of mal-conduct. But these reasons will not apply to the general government, because it will appear in the sequel that the state governments are considered in it as mere dependencies, existing solely by its toleration, and possessing powers of which they may be deprived whenever the general government is disposed so to do. If then the powers of the state governments are to be totally absorbed, in which all agree, and only differ as to the mode, whether it will be effected by a rapid progression, or by as certain, but slower, operations: what is to limit the oppression of the general government? Where are the rights, which are declared to be incapable of violation? And what security have people against the wanton oppression of unprincipled governors? No constitutional redress is pointed out, and no express declaration is contained in it, to limit the boundaries of their rulers; beside which the mode and period of their being elected tends to take away their responsibility to the people over whom they may, by the power of the purse and the sword, domineer at discretion; nor is there a power on earth to tell them, What dost thou? or, Why dost thou so?

I shall now proceed to compare the constitution of the state of New York with the proposed federal government, distinguishing the paragraphs in the former, which are rendered nugatory by the latter; those which are in a great measure enervated, and such as are in the discretion of the general government to permit or not.

The 1st and 37th paragraphs of the constitution of the state of New York.

The 1st "Ordains, determines, and declares that no authority shall on any pretence whatever be exercised over the people or members of this State, but such as shall be derived from and granted by them."

The 37th, "That no purchases or contracts for the sale of lands with or of the Indians within the limits of this state, shall be binding on the Indians, or deemed valid, unless made under the authority and with the consent of the legislature of this state."

I beg here to observe that the whole history of this spurious constitution for the government of the United States, from its origin to the present day, and the measures taken by Congress

respecting the Indian affairs in this state, are a series of violations of these paragraphs, and of the 13th article of the confederation.

It was a violation of the state constitution for the senate and assembly, on the 19th of February, 1787, to instruct their members to move in Congress for an act recommending a convention; and it was also a violation of the 13th article of the confederation for Congress, on the 21st day February, to recommend a convention to the several legislatures. It was a further violation of the constitution of this state, by the senate and assembly, on the 27th day of March, to join and to appoint delegates to meet in convention, and it being done in that hasty, if not surreptitious manner, by joint resolutions, when acts of the least consequence, even for the yoking of hogs, require to be passed under the formalities of a law, makes it more glaringly so.

It was an outrageous violation in the convention on the 17th of September, 1787, to attempt a consolidation of the union, and utterly destroy the confederation and the sovereignty of particular states, when their powers were restricted "to the sole and express purpose of revising and amending the confederation."

It was again an infringement of the 13th article in the confederation, for Congress, on the 28th of September, not to arrest and prevent its being transmitted to the several legislatures; nor was the legislature of this state less culpable, in the beginning of February, 1788, who, in the course of three hours, took up and concluded the measure of calling a convention without apprising their constituents of the danger.

It is notorious that the right of regulating Indian affairs, especially with the five nations, has been in the colony of New York since the year 1664, and before that period, from the year 1614, whilst it was called New Nederland under the Dutch. That by the confederation, although Congress are invested with the power of regulating the trade and managing all affairs with the Indians, that they are restricted to those Indians "not members of any of the states, and a special proviso that the legislative rights of any state within its own limits be not infringed or violated." It therefore was a violation of the confederation and of the rights of the state for the congressional commissioners of Indian affairs to

treat, at fort Stanwix, with and thereat to make a purchase from the five nations without the authority or consent of the legislature of this state. It was an infraction of the rights of the citizens of this state, and an insult on their government, for those commissioners to wrest private property from individuals, imprison their persons, set at defiance the civil authority of the county of Montgomery, and violently to resist the execution of legal process. Nor was the ordinance of the 7th of August, 1786, for the regulation of Indian affairs, less so, namely, that "the Indian department be divided into two districts, viz.: the southern, which shall comprehend within its limits all the nations in the territory of the United States, who reside to the southward of the Ohio; and the northern, which shall comprehend all the nations within the said territory, and westward, not of lake Ontario, but of Hudson's river; that a superintendent for the northern districts shall have authority to appoint two deputies to reside in such places as shall best facilitate the regulation of the Indian trade; that no person, citizen or other, under the penalty of five hundred dollars, shall reside among or trade with any Indian or Indian nations within the territory of the United States, without a licence for that purpose first obtained from the superintendent of the district, or of one of the deputies, who is hereby directed to give such licence to every person who shall produce from the supreme executive of any state a certificate under the seal of the state, that he is of good character and suitably qualified and provided for that employment, for which licence he shall pay for one year the sum of fifty dollars to the said superintendent for the use of the United States." If this was the conduct of Congress and their officers, when possessed of powers which were declared by them to be insufficient for the purposes of government, what have we reasonably to expect will be their conduct when possessed of the powers "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes," when they are armed with legislative, executive and judicial powers, and their laws the supreme laws of the land—and when the states are prohibited, without the consent of Congress, to lay any "imposts or duties on imports," and if they do they shall be for the use of the

treasury of the United States—and all such laws subject to the revision and controul of Congress.

It is therefore evident that this state, by adopting the new government, will enervate their legislative rights, and totally surrender into the hands of Congress the management and regulation of the Indian trade to an improper government, and the traders to be fleeced by iniquitous impositions, operating at one and the same time as a monopoly and a poll-tax. The deputy by the above ordinance, has a right to exact yearly fifty dollars from every trader, which Congress may increase to any amount, and give it all the operation of a monopoly; fifty dollars on a cargo of 10,000 dollars' value will be inconsiderable, on a cargo of 1000 dollars burthensome, but on a cargo of 100 dollars will be intolerable, and amount to a total prohibition, as to small adventurers.

II, III, IX, XII, AND XXXI.

The second paragraph provides "that the supreme legislative power within this state shall be vested in two separate and distinct bodies of men, the one to be called the assembly, and the other to be called the senate of the state of New York, who together shall form the legislature."

The ninth provides "that the assembly shall be the judge of their own members, and enjoy the same privileges, and proceed in doing business in like manner as the assembly of the colony of New York of right formerly did."

The twelfth paragraph provides "that the senate shall, in like manner, be judges of their own members," etc.

The 31st describes even the stile of laws—that the stile of all laws shall be as follows: "Be it enacted by the people of the state of New York represented in senate and assembly," and that all writs and proceedings shall run in the name of the people of the state of New York, and tested in the name of the chancellor or the chief judge from whence they shall issue.

The third provides against laws that may be hastily and inadvertently passed, inconsistent with the spirit of the constitution and the public good, and that "the governor, the chancellor and judges of the supreme court, shall revise all bills about to be passed into laws, by the legislature."

The powers vested in the legislature of this state by these paragraphs will be weakened, for the proposed new government declares that "all legislative powers therein granted shall be vested in a congress of the United States, which shall consist of a senate and a house of representatives," and it further prescribes, that "this constitution and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding; and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution."

Those who are full of faith, suppose that the words in pursuance thereof are restrictive, but if they reflect a moment and take into consideration the comprehensive expressions of the instrument, they will find that their restrictive construction is unavailing, and this is evinced by 1st art., 8 sect., where this government has a power "to lay and collect all taxes, duties, imposts and excises, to pay the debts, and provide for the common defence and general welfare of the United States," and also "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this constitution in the government of the United States, or in any department or office thereof."

Art 1st, sect. 7, provides a qualified negative, that is, that "every bill which shall be passed [by] the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States."

To conclude my observations on this head, it appears to me as impossible that these powers in the state constitution and those in the general government can exist and operate together, as it would be for a man to serve two masters whose interests clash, and secure the approbation of both. Can there at the same time and place be and operate two supreme legislatures, executives, and judicials? Will a "guarantee of a republican form of government to every state in the union" be of any avail, or secure the establishment and retention of state rights?

If this guarantee had remained, as it was first reported by the committee of the whole house, to wit, . . . "that a republican constitution, and its existing laws, ought to be guaranteed to each state by the United States," it would have been substantial; but the changing the word *constitution* into the word *form* bears no favorable appearance.

IV, V, XII, XVI.

The fourth provides, "that the assembly of the state of New York shall consist of at least seventy members, to be annually chosen in the several counties in certain proportions." The 5th, 12th and 16th, declare that a census shall be taken every seven years, to regulate the augmentation of the number seventy, so as not to exceed three hundred. Here seventy members are divided among the several counties, and consequently into at least as many poles and sets of members to be annually chosen. If this is contrasted with the constitution for the federal government —the constitutional assembly or house of representatives will be found to consist of sixty-five members divided among thirteen states, to be chosen every second year. Six for the state of New York; not distributed among the counties, but by all the counties. And, although "the times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof," yet, as it provides that "Congress may at any time by law, make or alter those regulations, except as to places of chusing senators"—the power in the state government to prescribe rules in those cases will be superseded by the executive of the general government, perhaps to the great inconvenience of the people.

FROM THE VITH TO THE XIITH.

The sixth paragraph recites that "an opinion hath long prevailed among divers of the good people of this state that the voting at the election by ballot would tend more to preserve the liberty and equal freedom of the people than voting viva voce; to the end, therefore, that a fair experiment be made which of these two methods of voting is to be preferred, it declares that after the war elections shall be by ballot.

The seventh and eighth regulate the freeholds, and what property shall entitle a man to vote; the ninth, the mode of conducting business in the assembly, and their privileges; the tenth, eleventh, and twelfth, the number of the senate, and how and by whom they shall be elected.

As these clauses regulate the mode of elections and qualifications of the voters of senate and assembly, a relation of what gave rise to the provisions for voting by ballot and that of the value of the freehold, will help to unravel what otherwise may appear mysterious.

In respect to the first it may be necessary to observe that under the colonial government there existed violent parties, not known by the name of whig or tory—republicans and aristocrats. Those who were in the employments of government, or the *ins*, were for extending the prerogative of the crown, while the *outs* were checks to it. Many of the leaders on both sides were under strong expectations that sooner or later that branch of colonial government called the king's council would be erected into a hereditary house of lords. The *ins* being nearest to the disposition of the offices of honor and profit, and in the way of obtaining patents for vacant lands, and being from time to time joined by other crown officers and dependents, who flocked to and settled in this colony since the year 1763, had the means of making use of undue influence to retain their situations, which made the *outs* at last dispair of ever having a turn, unless the elections were by ballot. This opinion was propagated in every part of the colony before and at the time of the revolution, and so strongly did it operate upon the committee that were ordered to consider of and report the constitution, that at one time they had the whole system interwoven in the draft; but either because it would have made it too lengthy, or that one of the parties were then reduced, and not likely to rise again into importance, about the time the draft was reported, it was struck out and was left by the constitution to the legislature to decide, as experience on the exercise of both principles should suggest. SYDNEY.

SYDNEY, II.

THE NEW YORK JOURNAL.

(Number 2321)

SATURDAY, JUNE 14, 1788.

For the Daily Patriotic Register.

TO THE CITIZENS OF THE STATE OF NEW YORK.

(Concluded from yesterday's paper.)

As to the value of the freeholds, there has been great diversity of opinions, for notwithstanding all agreed that the rights and liberties of a country were ever in danger from the rich and poor, and their safety in the middle sort or yeomanry of the country, still the difficulty occurred in establishing the mean.

While the convention, in 1776, was setting at Harlem, the outlines of a constitution were handed about, to try, it was supposed, the temper of the members, in which it was proposed to have a governor, lieutenant governor, senate, and assembly; the qualification of the governor, lieutenant governor, and senate, to be that each should possess real estate to the value of 10,000 pounds, and to be elected by freeholders possessing freeholds to the value of 1,000 pounds. Although this was not attended with bad effects, yet the qualifications of the electors gave rise to various arguments, and, among others, that as taxation and representation ought to go together, so the right of electing shall be in proportion to the value of each man's estate. To exemplify this, a man of £100 estate had one vote; a man of £1000 should have ten, and a man of ten thousand pounds a hundred, and so on in the same ratio.

Others on the contrary supposed that there ought to be no other criterion than the age of twenty-one, a citizen born and resident in this country; out of the two extremes was produced the present system of election and qualification, both admitted to be as secure and consistent rights as any that have been contrived.

It is apprehended, from the duplicity in the wording of 1st art., 4th sec., that seemingly to leave in the power of the respective legislatures to regulate the elections, and still, that Congress may at any time by law make or alter such regulations; and the undesigned wording of the sixth article, that the constitution and laws of the United States which shall be made in pursuance thereof shall be the law of the land, anything in the constitution or laws of any State to the contrary notwithstanding, will render the whole system ineffectual, if not nugatory, and a new system as destructive to the liberties of the citizens as that of the ratio of voices to the ratio of property introduced. Besides being liable to have the whole State erected into one district, and consequently may give rise to the inconveniences I mentioned before.

VII, SEC. 6; VIII, SEC. 6; IX, SEC. 6; X, SECTION 6; XI, SEC. 6; XII, SEC. 2, 6; XVI, SEC. 6; XIII, XXXV, XLI.

By the 13th paragraph "no member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to the subjects of the State by this constitution, unless by the law of the land, or judgment of its peers."

The 35th adopts, under certain exceptions and modifications, the common law of England, the statute law of England and Great Britain, and the acts of the legislature of the colony, which together formed the law on the 19th of April, 1775.

The 41st provides "that the trial by jury remain inviolate forever; that no acts of attainder shall be passed by the legislature of this State for crimes other than those committed before the termination of the present war. And that the legislature shall at no time hereafter institute any new courts but such as shall proceed according to the course of the common law.

There can be no doubt that if the new government be adopted

in all its latitude, every one of these paragraphs will become a dead letter: nor will it solve any difficulties, if the United States guarantee "to every state in the union a republican form of government;" we may be allowed the form and not the substance, and that it was so intended will appear from the changing the word *constitution* to the word *form* and the omission of the words, *and its existing laws*. And I do not even think it uncharitable to suppose that it was designedly done; but whether it was so or not, by leaving out these words the jurisprudence of each state is left to the mercy of the new government. By 1st art., 8th sec., 1st clause, "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States."

By the 9th clause of the same section, "To constitute tribunals inferior to the court."

By the 18th clause, "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department thereof."

The 3d art., 1st sec., "The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish."

By sec. 2nd, "The judicial power shall extend to all cases in law and equity." To have in various instances an original and exclusive, in others a concurrent jurisdiction, and the supreme court in many cases an appellate jurisdiction, both as to law and fact. It provides, indeed, that the trial for crimes shall be by jury, but has left the trial in civil matters to the mercy of construction and their own legislative sovereign will and pleasure.

By the 3d art., 3d sec., "The Congress shall have power to declare the punishment of treason, but no attainder shall work a corruption of blood or forfeiture, except during the life of the person attainted. By 1st art., 9th sec., 3d clause, "No bill of attainder or ex post facto law shall be passed."

XVII, XVIII, XIX, XX, XXI, XXIII, XL.

The 17th orders "That the supreme executive power and au-

thority of this State shall be vested in a governor." By the 18th he is commander-in-chief of the militia and admiral of the navy of the State; may grant pardons to all persons convicted of crimes; he may suspend the execution of the sentence in treason or murder.

By the 19th paragraph he is to see that the laws and resolutions of the legislature be faithfully executed.

By the 27th he is president of the council of appointment, and has a casting vote and the commissioning of all officers.

The 20th and 21st paragraphs give the lieutenant-governor, on the death, resignation, removal from office, or impeachment of the governor, all the powers of a governor.

The 40th paragraph orders that the militia at all times, both in peace and war, shall be armed and disciplined, and kept in readiness; in what manner the Quakers shall be excused; and that a magazine of warlike stores be forever kept at the expence of the State, and by act of the legislature, established, maintained, and continued in every county in the State.

Whoever considers the following powers vested in the government, and compares them with the above, must readily perceive they are either all enervated or annihilated.

By the 1st art., 8th sec., 15th, 16th and 17th clauses, Congress will be empowered to call forth the militia to execute the laws of the union, suppress insurrections and repel invasions; to provide for organizing, arming and disciplining the militia, for the governing such part of them as may be employed in the service of the United States, and for the erection of forts, magazines, etc.

And by the 2nd art., 2d sec., "The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into actual service of the United States, except in cases of impeachment."

And by the 6th art., "The members of the several state legislatures, and all the executive and judicial officers; both of the United States, and of the several states, shall be bound by oath or affirmation to support the constitution." Can this oath be taken by those who have already taken one under the constitution of this state?

XVIII, SEC. 17; XIX, SEC. 17; XX. SEC. 17; XXI, SEC. 17; XXIII, SEC. 17; XXII TO XXX INCLUSIVE.

These paragraphs regulate the election, appointment, construction and duration of all the state, county and district officers, including the delegates to Congress, and how they severally are to be created and commissioned.

The 22d directs that the treasurer shall be appointed by act of the legislature to originate with the assembly. The 23d establishes a council to appoint the officers.

The 24th directs that the military officers shall be, during the pleasure of the council, the chancellor, judges of the supreme court, the first judge in every county until the age of 60.

Twenty-five and 28, which offices are incompatible, and the tenure and duration of such officers.

Twenty-six, that sheriffs and coroners be annually appointed, and shall not continue more than four years.

Twenty-seven, that the officers of the court be appointed by the respective courts, except the attorneys, by the first judge of every court.

Twenty-nine, provides that town clerks, supervisors, assessors, constables and collectors, and all other officers heretofore elegible by the people, shall always continue to be so elegible.

Thirty, directs the mode how the delegates to represent this state in the general Congress of the United States shall be elected.

I apprehend that the paragraphs aforesaid will be compleatly rendered unoperative by the following articles in the new constitution:

Second article, second section, second clause, the president "shall have power, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the supreme court, and all officers of the United States where appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the power of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments." By the 1st art., 8 section, 9, 18 clauses, Congress have power "to constitute tribunals inferior to the supreme court,

to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

By the third article, 2d section, there is an extensive federal power as above-mentioned.

By the 2d article, 2d section, the president "shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

From these powers lodged in Congress and the powers vested in the states, it is clear that there must be a government within a government, two legislative, executive and judicial powers. The power of raising an army in time of peace, and to command the militia, will give the president ample means to enforce the supreme laws of the land.

XXIII, SEC. 21; XXIV, SEC. 21; XXV, SEC. 21; XXVI, SEC. 21; XXVII, SEC. 21; XXVIII, SEC. 21; XXIX, SEC. 21; XXX, SEC. 21; XXXI, SEC. 2; XXXII, XXXIII, XXXIV.

The 32d paragraph orders, "That a court shall be instituted for the trial of impeachments and the correction of errors under the regulations which shall be established by the legislature, and to consist of the president of the senate for the time being, and the senators, chancellors and judges of the supreme court."

The 33d vests the power of impeaching all officers of the state for mal and corrupt practice in the representatives of the people in assembly.

The 34th allows the parties impeached or indicted for crimes and misdemeanors to have counsel.

This system is undermined and rendered nugatory by 1st art., 6th and 7th clauses, where the senate in the new constitution, have the trial and judgment on all impeachments.

By 3d art., 2d sec., 3d clause, the trial of all crimes is regulated.

By the 3d art., 3d sec., it is defined what shall be treason, the proof required, the punishment, and how the judgment in attainder shall operate.

XXXIII, SEC. 32; XXXIV, SEC. 32; XXXV, SEC. 13; XXXVII, SEC. 1; XXXVIII, XXXIX.

The 38th paragraph provides "that the free exercise and enjoyment of religious procession and worship, without discrimination or preference, shall forever hereafter be allowed within this State to all mankind, provided that the liberty of conscience hereby granted shall not excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the State."

The 39th provides that "no minister of the gospel, or priest of any denomination whatsoever, shall at any time hereafter, under any pretence or description whatever, be eligible to or capable of holding any civil or military office or place within this state."

The first of those articles protects us from persecution in religious matters. The other excludes the clergy from enjoying any office, civil or military. Two provisions passed by in silence by the framers of the new constitution; and although possibly the leaders in both have been equally averse to a democratic system, and have had the same object, the ruin of state government, in view.

XLII.

This paragraph provides "that it shall be in the discretion of the legislature to naturalize all such persons and in such manner as they shall think proper."

The 1st art., 8 sec., 4th clause, give to the new government power to establish a uniform rule of naturalization.

And by the 4th art., 2d sec., "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states," whereby the clause is rendered entirely nugatory.

From this contrast it appears that the general government, when compleatly organized, will absorb all those powers of the state which the framers of its constitution had declared should be only exercised by the representatives of the people of the state; that the burthens and expence of supporting a state establishment will be perpetuated; but its operations to ensure or contribute to any essential measures promotive of the happiness of the people may be totally prostrated, the general government

arrogating to itself the right of interfering in the most minute objects of internal police, and the most trifling domestic concerns of every state, by possessing a power of passing laws "to provide for the general welfare of the United States," which may affect life, liberty and property in every modification they may think expedient, unchecked by cautionary reservations, and unrestrained by a declaration of any of those rights which the wisdom and prudence of America in the year 1776 held ought to be at all events protected from violation.

In a word, the new constitution will prove finally to dissolve all the power of the several state legislatures, and destroy the rights and liberties of the people; for the power of the first will be all in all, and of the latter a mere shadow and form without substance, and if adopted we may (in imitation of the Carthagenians) say, Delenda vit Americæ. SYDNEY.

CURSORY REMARKS

BY

HUGH HENRY BRACKENRIDGE.

PRINTED IN

THE AMERICAN MUSEUM,

APRIL,

1788.

NOTE.

THIS article first appeared in *The Pittsburgh Gazette*, but as I have not been able to find a file of that paper, I have been compelled to reprint it from *The American Museum*. It was anonymous, but its authorship is settled by its republication in Brackenridge's "*Gazette Publications*," printed in book form in 1806.

CURSORY REMARKS.

THE AMERICAN MUSEUM.

(Number 4)

APRIL, 1788.

It is not my intention to enter largely into a consideration of this plan of government, but to suggest some ideas in addition to, and of the same nature with, those already made, showing the imperfections and the danger of it.

The first thing that strikes a diligent observer, is the want of precaution with regard to the *sex* of the president. Is it provided that he shall be of the male gender? The Salii, a tribe of the Burgundians, in the 11th century, excluded females from the sovereignty. Without a similar exclusion, what shall we think, if, in progress of time, we should come to have an *old woman* at the head of our affairs? But what security have we that he shall be a *white man?* What would be the national disgrace if he should be elected from one of the southern states, and a *vile negro* should come to rule over us? Treaties would then be formed with the tribes of Congo and Loango, instead of the civilized nations of Europe. But is there any security that he shall be a *freeman?* Who knows but the electors at a future period, in days of corruption, may pick up a man-servant, a convict perhaps, and give him the dominion? Is any care taken that he shall be of *perfect parts?* Shall we, in affairs of a civil nature, leave a door open to lame men, bastards, eunuchs, and the devil knows what?

A senate is the next great constituent part of the government; and yet there is not a word said with regard to the ancestry of any of them; whether they should be altogether Irish, or only

Scots Irish. If any of them have been in the war of the White Boys, the Heart of Oak, or the like, they may overturn all authority, and make Shilelah the supreme law of the land.

The house of representatives is to be so large, that it can never be built. They may begin it, but it can never be finished. Ten miles square! Babylon itself, unless the suburbs are taken into view, was not of greater extent.

But what avails it to dwell on these things? The want of a *bill of rights* is the great evil. There was no occasion for a bill of *wrongs;* for there will be wrongs enough. But oh! a *bill of rights!* What is the nature of a bill of rights? "It is a schedule or inventory of those powers which Congress do not possess." But if it is clearly ascertained what powers they have, what need of a catalogue of those powers they have not? Ah! there is the mistake. A minister preaching, undertook, first, to show what was in his text; second, what was not in it. When it is specified what powers are given, why not also what powers are not given? A bill of rights is wanting, and all those things which are usually secured under it—

1. The *rights of conscience* are swept away. The Confession of Faith, the Prayer-Book, the Manual and Pilgrim's Progress are to go. The psalms of Watts, I am told, are the only thing of the kind that is to have any quarter at all.

2. The *liberty of the press*—that is gone at the first stroke. Not so much as an advertisement for a stray horse, or a runaway negro, can be put in any of the gazettes.

3. The *trial by jury*—that is knocked in the head, and all that worthy class of men, the lawyers, who live by haranguing and bending the juries, are demolished.

I would submit it to any candid man, if in this constitution there is the least provision for the privilege of shaving the beard? or is there any mode laid down to take the measure of a pair of breeches? Whence is it then, that men of learning seem so much to approve, while the ignorant are against it? The cause is perfectly apparent, viz., that reason is an erring guide, while instinct, which is the governing principle of the untaught, is certain. Put a pig in a poke, carry it half a day's journey through

woods and by-ways, let it out, and it will run home without deviation. Could Dr. Franklin do this? What reason have we then to suppose that his judgment, or that of Washington, could be equal to that of Mr. Smilie* in state affairs?

Were it not on this principle that we are able to account for it, it might be thought strange that old Livingston,† of the Jersies, could be so hoodwinked as to give his sanction to such a diabolical scheme of tyranny amongst men—a constitution which may well be called hell-born. For if all the devils in Pandemonium had been employed about it, they could not have made a worse.

Neil MacLaughlin, a neighbor of mine, who has been talking with Mr. Findley, says that under this constitution all weavers are to be put to death. What have these innocent manufacturers done that they should be proscribed?

Let other states think what they will of it, there is one reason why every Pennsylvanian should execrate this imposition upon mankind. It will make his state most probably the seat of government, and bring all the officers, and cause a great part of the revenue to be expended here. This must make the people rich, enable them to pay their debts, and corrupt their morals. Any citizen, therefore, on the Delaware and Susquehannah waters, ought to be hanged and quartered, that would give it countenance.

I shall content myself at present with these strictures, but shall continue them from time to time as occasion may require.

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* John Smilie, a prominent Anti-Federalist.—*Ed.*

† William Livingston.—*Ed.*

LETTER

OF

CAUTION,

WRITTEN BY

SAMUEL CHASE,

AND PRINTED IN

THE MARYLAND JOURNAL,

OCTOBER,

1788.

NOTE.

THE authorship of this essay is fixed upon Chase by a letter of Daniel Carroll, who in writing to Madison, alludes to both this, and his reply, printed *post*. Chase was the leader of the Anti-Federalists in Maryland, but was at first compelled by popular feeling to temporize, as is shown by the following extracts, taken from the Maryland Journal for September 28, 1787:

The following is the conclusion of the speech of Samuel Chase, Esq., delivered this day, at the Court House, before a numerous and respectable body of citizens.

(Published by request of many electors of Baltimore Town.)

The Constitution proposed by the late Convention, for the United States, will alter, and in some instances, abolish our Bill of Rights and Form of Govèrnment. The Legislature of this State have no right to alter our Form of Government, but in the mode prescribed by the Constitution. The only question for the General Assembly to determine is this, whether they will recommend to the people to elect delegates to meet in convention, to consider and decide on the plan proposed, I have always maintained the Union, and the increase of powers in Congress. I think the Federal Government must be greatly altered. I have not formed my opinion, whether the plan proposed ought to be accepted as it stands, without any amendment or alterâtion. The subject is very momentous, and involves the greatest consequences. If elected, I will vote for, and use my endeavours to procure a recommendation by the Legislature to call a convention, as soon as it can conveniently be done, unless otherways directed by this town.

September 26, 1787.

Having been informed that my engagements of yesterday, to the meeting at the Court House, "to vote for, and use my endeavours to procure a recommendation by the Legislature, to call a convention as soon as it can conveniently be done," is not understood; from a desire, if possible, to remove all misunderstanding, I take the liberty to declare, that by the promise I meant to engage, and therefore do promise, if elected, that I will use my endeavours to procure, at the next session of Assembly, and as

soon in the session as the necessary business of the State will permit, a recommendation by the General Assembly to call a convention, to consider and decide on the Constitution proposed by the late Convention for the United States, and to appoint the election of delegates to the Convention as soon as the convenience of the people will permit. I further beg leave to add as my opinion, that the election of delegates to the Convention ought to be as early in the spring as may be. SAMUEL CHASE.

Baltimore, September 27, 1787.

There are attacks on Chase, by "Steady" in the *Maryland Journal* of September 28, 1787, and by "Spectator," in the *Maryland Journal* of October 9, 1787.

CAUTION.

THE MARYLAND JOURNAL,

(Number 976)

FRIDAY, OCTOBER 12, 1787.

TO THE INHABITANTS OF BALTIMORE TOWN.

An attempt to *surprise* you into any *public* measure, ought to meet your indignation and contempt. When violence or cunning is substituted for argument and reason, suspicion should take the alarm, and prudence should dictate the propriety of deliberation. Questions of consequence in private life ought not to be *hastily* decided, and with greater reason, determinations that involve the future felicity of a whole people, ought not to be taken before the most mature and deliberate consideration, and a free and full examination of the subject and all its consequences. These reflections occurred on being informed that some gentlemen of this Town employ themselves in carrying about and soliciting subscribers to a petition, addressed to the General Assembly, requesting them to call a Convention to ratify the new system of government, proposed for the United States by the late Convention at Philadelphia. If this petition contained no more, it would not have been worthy of notice; but it publishes to the world your entire approbation of the New Federal Government, and your desire that it should be adopted and confirmed by this State, as it stands, *without any amendment or alteration.*

The ostensible cause for offering you the petition to sign is, that you may express your sentiments to the legislature, that they ought to call a Convention to ratify the new form of government for the United States; but the real design of the pro-

moters of the petition is to draw you into a declaration in favour of the *whole* system, and to bind you hereafter to support it, which you must do, or allege deception and surprise, if, on further reflection, you should discover that you rashly gave an opinion against your real interests. If the *real* intention of the promoters and carriers of this petition was *only* to obtain your opinion in favour of calling a Convention, it might have been expressed in a *few* lines; and no one would oppose such a petition, although improper and unnecessary, because your Delegates will certainly move for, and exert themselves to procure, the calling a Convention; and no member of the General Assembly will deny that, in so doing, your Delegates speak your sentiments.

In my opinion, it is not necessary or proper for you, *at this time*, to express your approbation, or disapprobation, of the new constitution for the United States, for the following reasons:

First—because the decision, *for* or *against* the plan, is of the greatest consequence, as it involves no less than the happiness or misery of you and all your posterity forever; and therefore, I think, requires your dispassionate and most deliberate consideration. Secondly—because you want information, and have not had time yourselves to examine the proposed system, and to consider the consequences that may flow from rejecting or adopting it. Thirdly—because time is not given for your countrymen in this, and the other States, to consider the subject, and to lay their sentiments and reasons for or against the measure before you. Fourthly—because you ought to hear *both* sides, as the man who determines on hearing one part only, will almost always be mistaken in his judgment. He may be in the right, but it will be by *chance* and not by *reason*. Fifthly—because you are not pressed in point of time to determine on the subject; you have at least three months for deliberation; to decide, therefore, in a few days will be rashness and folly. Sixthly—when men urge you to determine in *haste*, on so momentuous a subject, it is not *unreasonable* to require their motives; and it is not *uncharitable* to suspect that they are improper; and no possible mischief or inconvenience can happen from delay.

October 11, 1787. CAUTION.

LETTER

OF

A FRIEND TO THE CONSTITUTION,

WRITTEN BY

DANIEL CARROLL,

AND PRINTED IN

THE MARYLAND JOURNAL,

OCTOBER,

1787.

NOTE.

DANIEL CARROLL wrote Madison that he had replied to Chase's "Caution," and as this is the only direct reply to that article I have been able to find, I have ventured to ascribe this to him. The letter is in the Madison Papers in the Department of State, which at present are restricted from use, so I am unable to print it here.

A FRIEND TO THE CONSTITUTION.

THE MARYLAND JOURNAL.

(Number 977)

TUESDAY, OCTOBER 16, 1787.

TO THE INHABITANTS OF BALTIMORE TOWN.

You have been addressed in the last Friday's paper, by a writer under the signature of *Caution*, who would persuade you that you ought to withhold your approbation, at this time, from the Federal Constitution recommended by the Convention.

This writer may have the best intentions in the world towards the *public welfare*, and the *prosperity of Baltimore*; but every one must perceive that he is an enemy to the proposed Constitution, and wishes to prevent you from expressing yourselves in its favour, not only *at this time*, but at any *future time*.

Mr. C—— is said to be the author of this admonition; but that this is a malicious insinuation, aimed at his sincerity, will appear by considering his *recent promise* on this subject, signed and published by himself, in reference with the resolution of the Convention, upon which that promise is founded. I shall state both the resolution and promise, that you may judge for yourselves.

The resolve of the Convention declares, that the Constitution should be submitted to a Convention of Delegates, chosen in each State by the people, under the recommendation of its legislature, *for their assent and ratification.*

Mr. C—— being called upon, before his election, to declare himself on this point, promises to the people, "that he will use his endeavours, if elected, to call a Convention."

I would just observe on this resolve and promise: First—that

the resolve makes it an *absolute condition* that the legislature recommend a Convention *to assent to, and ratify, the Constitution.* Secondly—that the *promise* made by Mr. C—— is obligatory upon him, to use his endeavors to procure a Convention *for this purpose.*

Another remark, which occurs on this occasion, is, that Mr. C—— could not mean that a Convention ought to be called *for any other purpose* than to assent to, and ratify, the Constitution; for it is absurd to suppose he meant the Convention should be authorized by the legislature to propose amendments or alterations, that being *contrary* to the declared intention of the resolution, and the sense which his friends entertained of his engagement at the time he entered into it. Mr. C——, therefore (without presuming him capable of doing the greatest violence to his promise), cannot be considered as the *author of Caution*, who argues strenuously, though indirectly, *against adopting the Constitution.*

From this brief view of the nature and intention of the resolve, I think it is evident that the people ought, *without delay*, to signify their approbation of the Constitution by *a petition to the legislature*, to the end that the legislature, which is called upon by the Convention and Congress to recommend to the people to choose Delegates to ratify it, may have the *authority of the largest and most promising commercial and manufacturing Town in the State* to countenance so *important a recommendation.* But *Caution* thinks a petition *improper* and *unnecessary;* because, says he, "your Delegates will move for, and exert themselves to procure, the calling a Convention." Admitting your Delegates to move to have a Convention called, does it follow that they will add to their motion these *essential words, to confirm and ratify the Constitution?* Does it not rather appear, from the tenor of this writer's remarks, that your Delegates ought to leave these words out of their motion? But the *propriety* and *necessity* of a petition does not depend on what your Delegates may, or may not do. It is *proper* at this time, because the Constitution meets your approbation. It is *necessary* at this time, because wanted as an inducement to the legislature to call upon the people to appoint a

Convention to carry into effect the object of the resolution. In other words, as the recommendation for a Convention *involves the legislature in a complete approbation of the Constitution*, there is the greatest *propriety* and *necessity* for your telling the legislature *that it meets your approbation.*

I am sorry to find, by *Caution's* publication and insinuations, which I am told are circulated with great industry, that an opposition is opened against the Constitution. I did not, I confess, expect to see it adopted without some opposition; but I could not bring myself to believe, that this opposition could have originated in Baltimore, which is *so peculiarly interested in its speedy adoption.* But what I intended to say on this point, is so well expressed in a late speech of Mr. Wilson, to the people of Philadelphia, previous to their election for representatives, that I shall take the liberty of closing with it.

"After all, my fellow-citizens, (says this excellent politician) it is neither extraordinary nor unexpected, that the Constitution offered to your consideration should meet with opposition. It is the nature of man to pursue his own interest in preference to the *public good;* and I do not mean to make any personal reflection, when I add, that it is *the interest of a very numerous, powerful and respectable body to counteract and destroy the excellent work produced by the late Convention.* All the offices of government, and all the appointments for the administration of justice, and the collection of the public revenue, which are transferred from the individual to the aggregate sovereignty of the States, will necessarily turn the stream of influence and emolument into a new channel. *Every person, therefore, who either enjoys, or expects to enjoy, a place of profit under the present establishment, will object to the proposed innovations, not, in truth, because it is injurious to the liberties of his country; but because it affects his schemes of wealth and consequence.* I will confess, indeed, that I am not a blind admirer of this plan of government, and *that there are some parts of it*, which, if my wish had prevailed, would certainly have been altered. But, when I reflect how widely men differ in their opinions, and that every man (and the observation applies likewise to every state) has an equal pretension to assert his own, I

am satisfied that anything *nearer to perfection* could not have been accomplished. If there are errors, *it should be remembered*, that the seeds of reformation are sown in the work itself, and the concurrence of two-thirds of the Congress may, at any time, introduce *alterations and amendments*. Regarding it, then, in every point of view, with a candid and disinterested mind, I am bold to assert, that is the *best form of government which has ever been offered to the world*."

A FRIEND TO THE CONSTITUTION.

Baltimore, October 13, 1787.

THE LETTERS

OF

LUTHER MARTIN

PRINTED IN

THE MARYLAND JOURNAL,

JANUARY-MARCH,

1788.

NOTE.

LUTHER MARTIN, afterwards nick-named the "bull-dog of federalism," was at this time the leading Anti-federalist in Maryland. From his pen came the pamphlet entitled *Genuine Information . . . Relative to the Proceedings of the General Convention;* and when the "Landholder," (see *Ante*, page 135), attacked Elbridge Gerry, he began this series of articles in defense of that gentleman, but eventually, by the replies, was compelled to continue the series as a personal vindication. According to a letter of Daniel Carrol, Daniel of St. Thomas Jenifer replied in the newspapers to Martin, but I have not been able to identify this.

In the *New York Journal* for June 17, 1788, is a comparison of the constitution as agreed upon early in the convention, with that finally framed, which was probably written by Martin.

LUTHER MARTIN, I.

THE MARYLAND JOURNAL.

(Number 1004)

FRIDAY, JANUARY 18, 1788.

MR. WILLIAM GODDARD:

Sir,

As the Publication under the Signature of the Connecticut Landholder is circulating remote from the place of Mr. Gerry's residence, and is calculated not only to injure the honourable gentleman in his private character, but also to weaken the effect of his opposition to the government proposed by the late convention, and thereby promote the adoption of a System which I consider destructive of the rights and liberties of the respective states and of their citizens, I beg leave, through the channel of your Paper, to declare to the Public that from the time I took my seat in convention, which was early in June, until the fourth day of September, when I left Philadelphia, I am satisfied I was not ten minutes absent from convention while sitting (excepting only five days in the beginning of August, immediately after the committee of detail had reported, during which but little business was done). That during my attendance I never heard Mr. Gerry or any other member introduce a proposition for the redemption of continental money according to its nominal or any other value, nor did I ever hear that such a proposition had been offered to consideration or had been thought of. I was intimate with Mr. Gerry, and never heard him express, in private conversation or otherwise, a wish for the redemption of continental money, or assign the want of such a provision as a defect. Nor did I ever

hear in Convention, or anywhere else, such a motive of conduct attributed to Mr. Gerry. I also declare to the Public that a considerable time before I left the convention Mr. Gerry's opposition to the System was warm and decided; that in a particular manner he strenuously opposed that provision by which the power and authority over the militia is taken away from the States and given to the general government; that in the debate he declared if that measure was adopted it would be the most convincing proof that the destruction of the State governments and the introduction of a king was designed, and that no declarations to the contrary ought to be credited, since it was giving the states the last coup de grace by taking from them the only means of self preservation. The conduct of the advocates and framers of this system towards the thirteen States, in pretending that it was designed for their advantage, and gradually obtaining power after power to the general government, which could not but end in their slavery, he compared to the conduct of a number of jockeys who had thirteen young colts to break; they begin with the appearance of kindness, giving them a lock of hay, or a handful of oats, and stroaking them while they eat, until being rendered sufficiently gentle they suffer a halter to be put round their necks; obtaining a further degree of their confidence, the jockeys slip a curb bridle on their heads and the bit into their mouths, after which the saddle follows of course, and well booted and spurred, with good whips in their hands, they mount and ride them at their pleasure, and although they may kick and flounce a little at first, nor being able to get rid of their riders, they soon become as tame and passive as their masters could wish them. In the course of public debate in the convention Mr. Gerry applied to the system of government, as then under discussion, the words of Pope with respect to vice, "that it was a monster of such horrid mien, as to be hated need but to be seen." And some time before I left Philadelphia, he in the same public manner declared in convention that he should consider himself a traitor to his country if he did not oppose the system there, and also when he left the convention. These, sir, are facts which I do not fear being contradicted by any member of the convention, and will, I appre-

hend, satisfactorily shew that Mr. Gerry's opposition proceeded from a conviction in his own mind that the government, if adopted, would terminate in the destruction of the States and in the introduction of a kingly government.

I am, sir, your very obedient servant,

LUTHER MARTIN.

Baltimore, January 13, 1788.

LUTHER MARTIN, II.

THE MARYLAND JOURNAL.

(Number 1018)

FRIDAY, MARCH 7, 1788.

MR. GODDARD:

Sir,

In consequence of the justice I did Mr. Gerry, on a former occasion, I find myself complimented with an Address in your last Paper. Whether the Landholder of the Connecticut Courant, and of the Maryland Journal,* is the same person, or different, is not very material; I however incline to the former opinion, as I hope for the honour of human nature, it would be difficult to find more than one individual who could be capable of so total a disregard to the principles of truth and honour. After having made the most unjust and illiberal attack on Mr. Gerry, and stigmatized him as an enemy to his country, and the basest of mankind, for no other reason than a firm and conscientious discharge of an important trust reposed in that gentleman, had I not come in for a share of his censure, I confess I should have been both disappointed and mortified. It would have had at least the appearance, that the Landholder had discovered something in my principles, which he considered congenial with his own. However great may be my political sins, to be cursed with his approbation and applause, would be a punishment much beyond their demerit. But, Sir, at present I mean to confine myself to the original subject of controversy, the injustice of the charges made against Mr. Gerry. That my veracity will not be questioned

* See *Ante*, pages 182 and 189.—*Ed.*

when giving my negative to anonymous slander, I have the fullest confidence. I have equal confidence that it will be as little questioned by any who know me, even should the Landholder vouchsafe to give the Public his name—a respectable name I am sure it cannot be. His absolute want of truth and candour in assertions meant to injure the reputation of individuals, whose names are given to the public, and to hold them up to the indignation of their fellow citizens, will ever justify this assertion, even should the name belong to one decorated with wealth, or dignified by station. But the Landholder wishes it to be supposed, that though my veracity should not be doubted, yet my evidence ought to be rejected, and observes, that to comprehend what credit ought to be given to it, by which I suppose he means its sufficiency if credited, it ought to be known how long I was absent from Convention, as well as the time I attended. I believe Sir, whoever will read my former publication will in a moment perceive, that I there "stated" all the "information" on this subject that was necessary or material, and that I left no defect for the Landholder to supply. I there mentioned that "I took my seat early in June, that I left Philadelphia on the fourth of September, and during that period was not absent from the convention while sitting, except only five days in the beginning of August, immediately after the Committee of Detail had reported." I did not state the precise day of June when I took my seat—it was the ninth, not the tenth—a very inconsiderable mistake of the Landholder. But between that day and the fourth of September he says that I was absent ten days at Baltimore, and as many at New York, and thereby insinuates that an absence of twenty days from the Convention intervened during that period, in which time Mr. Gerry might have made and failed in his motion concerning continental money. A short state of facts is all that is necessary to shew the disingenuity of the Landholder, and that it is very possible to convey a falsehood, or something very much like it, almost in the words of truth. On the twenty-fifth of July the Convention adjourned, to meet again on the sixth of August. I embraced that opportunity to come to Baltimore, and left Philadelphia on the twenty-seventh; I returned on the fourth

of August, and on the sixth attended the Convention, with such members as were in town, at which time the Committee of Detail made their report, and many of the members being yet absent, we adjourned to the next day. Mr. Gerry left Philadelphia to go to New York the day before I left there to come to Baltimore; he had not returned on Tuesday, the seventh of August, when I set out for New York, from whence I returned and took my seat in Convention on Monday, the thirteenth. It is true that from the twenty-fifth of July to the thirteenth of August eighteen (not twenty) days had elapsed, but on one of those days I attended, and on twelve of them the Convention did not meet. I was, therefore, perfectly correct in my original statement that from early in June to the fourth of September I was absent but five days from the Convention while sitting, and in that statement omitted no "necessary information." It is also true that of those eighteen days Mr. Gerry was absent twelve or thirteen, and that one of those days when he was not absent was Sunday, on which day the Convention did not meet. Thus, Sir, by relating facts as they really occurred, we find the only time between early in June and the fourth of September when such a motion could have been made by Mr. Gerry without my being present is narrowed down to four, or at most five days, as I originally stated it, although Landholder wishes it should be supposed there were twenty days during that period when it might have taken place without my knowledge, to wit, ten while I was at Baltimore, and as many more while at New York. The Landholder also states that the Convention commenced the fourteenth day of May, and that I did not take my seat till the tenth day of June, by which, if he means anything, I presume he means to insinuate that within that portion of time Mr. Gerry's motion might have been made and rejected. He is here, Sir, equally unfortunate and disingenuous. Though the Convention was to have met by appointment on the fourteenth of May, yet no material business was entered upon till on or about the thirtieth of that month. It was on that day that the Convention, having had certain propositions laid before them by the Honourable Governor of Virginia, resolved to go into a consideration of these propositions. In this fact I am confident I am

not mistaken, as I state the day not merely from my own recollection but from minutes which I believe to be very correct, in my possession, of the information given by the Honourable Mr. McHenry to the assembly. The truth is, Sir, that very little progress had been made by the Convention before I arrived, and that they had not been more than ten days, or about that time, seriously engaged in business. The first thing I did after I took my seat was carefully to examine the journals for information of what had already been done or proposed. I was also furnished with notes of the debates which had taken place, and can with truth say that I made myself "minutely informed" of what had happened before that period. In the same manner, after my return from New York, I consulted the journals (for we were permitted to read them, although we were not always permitted to take copies). If the motion attributed to Mr. Gerry had been made and rejected, either before I first took my seat or while at New York, it would have there appeared, and that no such motion was made and rejected during either of these periods I appeal to the highest possible authority. I appeal to those very journals, which ought to have been published, and which we are informed are placed in the possession of our late Honourable President. But why, Sir, should I appeal to these journals, or to any other authority? Let the Landholder turn to his eighth number, addressed to the Honourable Mr. Gerry; let him blush, unless incapable of that sensation, while he reads the following passage: "Almost the whole time during the sitting of the Convention, and until the Constitution had received its present form, no man was more plausible and conciliating on every subject than Mr. Gerry," &c. Thus stood Mr. Gerry, till towards the close of the business he introduced a motion respecting the redemption of paper money. The whole time of the sitting of the Convention was not almost past. The Constitution had not received its present form, nor was the business drawing towards a close, until long after I took my seat in Convention. It is therefore proved by the Landholder himself that Mr. Gerry did not make this motion at any time before the ninth day of June. Nay more, in the paper now before me he acknowledges that in his eighth num-

ber he meant (and surely no one ought to know his meaning better than himself) to fix Mr. Gerry's apostacy to a period within the last thirteen days. Why then all this misrepresentation of my absence at Baltimore and New York? Why the attempt to induce a belief that the Convention had been engaged in business from the fourteenth of May, and the insinuation that it might have happened in those periods? And why the charge that in not stating those facts I had withheld from the public information necessary to its forming a right judgment of the credit which ought to be given to my evidence. But, Sir, I am really at a loss which most to admire—the depravity of this writer's heart, or the weakness of his head. Is it possible he should not perceive that the moment he fixes the time of Mr. Gerry's motion to the last thirteen days of the Convention, he proves incontestably the falsehood and malice of his charges against that gentleman—for he has expressly stated that this motion and the rejection it received was the cause, and the sole cause, of his apostacy; that "before, there was nothing in the system, as it now stands, to which he had any objection, but that afterwards he was inspired with the utmost rage and intemperate opposition to the whole system he had formerly praised;" whereas I have shown to the clearest demonstration, that a considerable time before the last thirteen days, Mr. Gerry had given the most decided opposition to the system. I have shown this by recital of facts, which if credited, incontestibly prove it—facts which, I again repeat, will never be contradicted by any member of the Convention. I ground this assertion upon the fullest conviction that it is impossible to find a single person in that number so wicked, as publicly and deliberately to prostitute his name in support of falsehood, and at the same time so weak as to do this when he must be sure of detection. But the Landholder is willing to have it supposed that Mr. Gerry might have made the motion in a "committee," and that there it might have happened without my knowledge; to such wretched subterfuges is he driven. This evasion, however, will be equally unavailing. The business of the committees were not of a secret nature, nor were they conducted in a secret manner; I mean as to the members of the Convention. I am satisfied that

there was no committee while I was there, of whose proceedings I was not at least "so minutely informed," that an attempt of so extraordinary a nature as that attributed to Mr. Gerry, and attended with such an immediate and remarkable revolution in his conduct, could not have taken place without my having heard something concerning it. The non-adoption of a measure by a committee did not preclude its being proposed to the Convention, and being there adopted. Can it be presumed that a question in which Mr. Gerry is represented to have been so deeply interested, and by the fate of which his conduct was entirely influenced, would for want of success in a committee have been totally relinquished by him, without a single effort to carry it in Convention! If any other proof is wanting, I appeal again to the Landholder himself. In his eighth number he states that the motion was rejected "by the Convention." Let it be remembered also, as I have before observed, in the paper now before me, he declares it was his intention in that number to fix Mr. Gerry's apostacy to a period within the last thirteen days; and in the same number he observes that Mr. Gerry's resentment could only embarrass and delay the completion of the business for a few days; all which equally militate against every idea of the motion being made before he left Philadelphia, whether in Committee or in Convention. The Landholder hath also asserted, that I have "put into Mr. Gerry's mouth, objections different from any thing his letter to the legislature of his State contains, so that if my representation is true, his must be false." In this charge he is just as well founded as in those I have already noticed. Mr. Gerry has more than once published to the world, under the sanction of his name, that he opposed the system from a firm persuasion that it would endanger the liberties of America, and destroy the freedom of the States and their citizens. Every word which I have stated as coming from his mouth, so far from being inconsistent with those declarations, are perfectly correspondent thereto and direct proofs of their truth. When the Landholder informed us that Mr. Gerry was "face to face with his colleagues in the Convention of Massachusetts," why did he not, unless he wished to mislead the public, also inform us for what purpose he was there?

that it was only to answer questions; that might be proposed to him, not himself to ask questions that he could not consistently interfere in any manner in the debates, and that he was even prohibited an opportunity of explaining such parts of his conduct as were censured in his presence? By the anonymous publication alluded to by the Landholder, and inserted in the note, Mr. Gerry's colleagues are not called upon to acquit him: it only declares "that he believes them to be men of too much honour to assert that his reasons in Convention were totally different from those he published;" and in this I presume he was not disappointed for the Landholder otherwise would have published it with triumph; but if Mr. Gerry, as it is insinuated, was only prevented by pride, from, in person, requesting them to acquit him, it amounts to a proof of his consciousness that, as men of honour, they could not have refused it, had he made the request. No person who views the absurdities and inconsistencies of the Landholder, can I think, have a very respectable opinion of his understanding, but I who am not much prejudiced in his favour, could scarcely have conceived him so superlatively weak as to expect to deceive the public and obtain credit to himself by asking "if charges against Mr. Gerry are not true why do not his colleagues contradict them?" and "why is it that we do not see Mr. McHenry's verification of your assertions?" If these Gentlemen were to do Mr. Gerry that justice, he might as well inquire "why is it we do not also see the verification of A, B, C and D and so on to the last letter of the Conventional alphabet. When the Landholder in his eighth number addressed himself to Mr. Gerry he introduces his charges by saying "you doubtless will recollect the following state of facts; if you do not every member of the Convention will attest them." One member of the Convention has had firmness sufficient to contradict them with his name, although he was well apprised that he thereby exposed himself as a mark for the arrows of his political adversaries, and as to some of them, he was not unacquainted with what kind of men he had to deal. But of all the members who composed that body, not one has yet stepped forward to make good the Landholder's prediction; nor has one been found to "attest" his statement of facts. Many reasons

may be assigned why the members of the Convention should not think themselves under a moral obligations of involving themselves in controversy by giving their names in vindication of Mr. Gerry; and I do not believe any of those who signed the proposed Constitution would consider themselves bound to do this by any political obligation: But, Sir I can hardly suppose that Mr. Gerry is so perfectly esteemed and respected by every person who had a seat in that body, that not a single individual could possibly be procured to give his sanction to the Landholder's charges, if it could be done with justice and as to myself, I much question whether it would be easy to convince any person, who was present at our information to the assembly,* that every one of my honourable colleagues, (to each of whose merit I cordially subscribe, though compelled to differ from them in political sentiments) would be prevented by motives of personal delicacy to myself, from contradicting the facts I have stated relative to Mr. Gerry, if it could be done consistent with truth. If the Landholder was a member of the Convention, to facilitate the adoption of a favourite system, or to gratify his resentment against its opposers, he has originally invented and is now labouring to support, charges the most unjust and ungenerous, contrary to his own knowledge of facts. If he was not a member, he is acting the same part, without any knowledge of the subject, and in this has the merit of either following his own invention, of dealing out the information he receives from some person of whom he is the wretched tool and dupe, at the same time expressing himself with a decision, and making such professions of being perfectly in every secret, as naturally tends, unless contradicted, to deceive and delude the unsuspecting multitude. In one of these predicaments the Landholder must stand, he is welcome to take his choice, in either case he only wants to be known to be despised. Now sir, let the Landholder come forward and give his name to the public. It is the only thing necessary to finish his character, and to convince the world that he is as dead to shame, as he is

* The Maryland Delegates to the Federal Convention were required by the legislature to report the proceedings of that body to them, and it was in this connection that Martin's *Genuine Information* was prepared.—*Ed.*

lost to truth and destitute of honour. If I sir, can be instrumental in procuring him to disclose himself; even in this I shall consider myself as rendering a service to my country. I flatter myself for the dignity of human kind, there are few such characters; but there is no situation in life, in which they may not prove the bane and curse of society; they therefore ought to be known, that they may be guarded against.

I am, sir, your very humble servant,

LUTHER MARTIN.

Baltimore, March 3, 1788.

LUTHER MARTIN, III.

THE MARYLAND JOURNAL.

(Number 1021)

TUESDAY, MARCH 18, 1788.

Number I.

TO THE CITIZENS OF MARYLAND.

To you my fellow citizens, I hold myself in a particular manner accountable for every part of my conduct in the exercise of a trust reposed in me by you, and should consider myself highly culpable if I was to withhold from you any information in my possession, the knowledge of which may be material to enable you to form a right judgment on questions wherein the happiness of yourselves and your posterity are involved. Nor shall I ever consider it an act of condescention when impeached in my public conduct, or character, to vindicate myself at your bar, and to submit myself to your decision. In conformity to these sentiments, which have regulated my conduct since my return from the Convention, and which will be the rule of my actions in the sequel, I shall at this time beg your indulgence, while I make some observations on a publication which the Landholder has done me the honour to address to me, in the Maryland Journal of the 29th of February last. In my controversy with that writer, on the subject of Mr. Gerry, I have already enabled you to decide, without difficulty, on the credit which ought to be given to his most positive assertions and should scarce think it worth my time to notice his charges against myself, was it not for the opportunity it affords me of stating certain facts and transactions, of which you ought to be informed, some of which were undesignedly omitted by me

when I had the honour of being called before the House of Delegates. No "extreme modesty" on my part was requisite to induce me to conceal the "sacrifice of resentments" against Mr. Gerry, since no such sacrifice had ever been made, nor had any such resentments ever existed. The principal opposition in sentiment between Mr. Gerry and myself, was on the subject of representation; but even on that subject, he was much more conceding than his colleagues, two of whom obstinately persisted in voting against the equality of representation in the senate, when the question was taken in Convention upon the adoption of the conciliatory propositions, on the fate of which depended, I believe, the continuance of the Convention. In many important questions we perfectly harmonized in opinion, and where we differed, it never was attended with warmth or animosity, nor did it in any respect interfere with a friendly intercourse and interchange of attention and civilities. We both opposed the extraordinary powers over the militia, given to the general government. We were both against the re-eligibility of the president. We both concurred in the attempt to prevent members of each branch of the legislature from being appointable to offices, and in many other instances, although the Landholder, with his usual regard to truth and his usual imposing effrontery, tells me, that I "doubtless must remember Mr. Gerry and myself never voted alike, except in the instances" he has mentioned. As little foundation is there in his assertion, that I "cautioned certain members to be on their guard against his wiles, for that he and Mr. Mason held private meetings, where the plans were concerted to aggrandize, at the expence of the small States, old Massachusetts and the ancient dominion." I need only state facts to refute the assertion. Some time in the month of August, a number of members who considered the system, as then under consideration and likely to be adopted, extremely exceptionable, and of a tendency to destroy the rights and liberties of the United States, thought it advisable to meet together in the evenings, in order to have a communication of sentiments, and to concert a plan of conventional opposition to, and amendment of that system, so as, if possible, to render it less dangerous. Mr.

Gerry was the first who proposed this measure to me, and that before any meeting had taken place, and wished we might assemble at my lodgings, but not having a room convenient, we fixed upon another place. There Mr. Gerry and Mr. Mason did hold meetings, but with them also met the Delegates from New Jersey and Connecticut, a part of the Delegation from Delaware, an honorable member from South Carolina, one other from Georgia, and myself. These were the only "private meetings" that ever I knew or heard to be held by Mr. Gerry and Mr. Mason, meetings at which I myself attended until I left the Convention, and of which the sole object was not to aggrandize the great at the expense of the small, but to protect and preserve, if possible, the existence and essential rights of all the states, and the liberty and freedom of their citizens. Thus, my fellow citizens, I am obliged, unless I could accept the compliment at an expence of truth equal to the Landholder's, to give up all claim to being "placed beyond the reach of ordinary panegyrick," and to that "magnanimity" which he was so solicitous to bestow upon me, that he has wandered [into] the regions of falsehood to seek the occasion. When we find such disregard of truth, even in the introduction, while only on the threshold, we may form judgment what respect is to be paid to the information he shall give us of what passed in the Convention when he "draws aside the veil," a veil which was interposed between our proceedings and the Public, in my opinion, for the most dangerous of purposes, and which was never designed by the advocates of the system to be drawn aside, or if it was, not till it should be too late for any beneficial purpose, which as far as it is done, or pretended to be done, on the present occasion ,is only for the purpose of deception and misrepresentation. It was on Saturday that I first took my seat. I obtained that day a copy of the propositions that had been laid before the Convention, and which were then the subject of discussion in a committee of the whole. The Secretary was so polite as, at my request, to wait upon me at the State House the next day (being Sunday), and there gave me an opportunity of examining the journals and making myself acquainted with the little that had been done before my arrival. I was not a little surprised at the

system brought forward, and was solicitous to learn the reasons which had been assigned in its support; for this purpose the journals could be of no service; I therefore conversed on the subject with different members of the Convention, and was favoured with minutes of the debates which had taken place before my arrival. I applied to history for what lights it could afford me, and I procured everything the most valuable I could find in Philadelphia on the subject of governments in general, and on the American revolution and governments in particular. I devoted my whole time and attention to the business in which we were engaged, and made use of all the opportunities I had, and abilities I possessed, conscientiously to decide what part I ought to adopt in the discharge of that sacred duty I owed to my country, in the exercise of the trust you had reposed in me. I attended the Convention many days without taking any share in the debates, listening in silence to the eloquence of others, and offering no other proof that I possessed the powers of speech, than giving my yea or nay when a question was taken, and notwithstanding my propensity to "endless garrulity," should have been extremely happy if I could have continued that line of conduct, without making a sacrifice of your rights and political happiness. The committee of the whole house had made but small progress, at the time I arrived, in the discussion of the propositions which had been referred to them; they completed that discussion, and made their report. The propositions of the minority were then brought forward and rejected. The Convention had resumed the report of the committee, and had employed some days in its consideration. Thirty days, I believe, or more, had elasped from my taking my seat before in the language of the Landholder, I "opened in a speech which held during two days." Such, my fellow citizens, is the true state of the conduct I pursued when I took my seat in Convention, and which the Landholder, to whom falsehood appears more familiar than truth, with his usual effrontery, has misrepresented by a positive declaration, that without obtaining or endeavouring to obtain any information on the subject, I hastily and insolently obtruded my sentiments on the Convention, and to the astonishment of every mem-

ber present, on the very day I took my seat, began a speech, which continued two days, in opposition to those measures which, on mature deliberation, had been adopted by the Convention. But I "alone advocated the political heresy, that the people ought not to be trusted with the election of representatives." On this subject, as I would wish to be on every other, my fellow citizens, I have been perfectly explicit in the information I gave to the House of Delegates, and which has since been published. In a state government, I consider all power flowing immediately from the people in their individual capacity, and that the people, in their individual capacity, have, and ever ought to have the right of choosing delegates in a state legislature, the business of which is to make laws, regulating their concerns, as individuals, and operating upon them as such; but in a federal government, formed over free states, the power flows from the people, and the right of choosing delegates belongs to them only mediately through their respective state governments which are the members composing the federal government, and from whom all its power immediately proceeds; to which state governments, the choice of the federal delegates immediately belongs. I should blush indeed for my ignorance of the first elements of government, was I to entertain different sentiments on the subject; and if this is "political heresy," I have no ambition to be ranked with those who are orthodox. Let me here, my fellow citizens, by way of caution, add an observation, which will prove to be founded in truth: those who are the most liberal in complimenting you with powers which do not belong to you, act commonly from improper and interested motives, and most generally have in view thereby to prepare the way for depriving you of those rights to which you are justly entitled. Every thing that weakens and impairs the bands of legitimate authority smooths the road of ambition; nor can there be a surer method of supporting and preserving the just rights of the people, than by supporting and protecting the just rights of government. As to the "jargon" attributed to me of maintaining that "notwithstanding each state had an equal number of votes in the senate, yet the states were unequally represented in the senate," the Landholder has all the merit of its absurdity; nor can

I conceive what sentiment it is that I ever have expressed, to which he, with his usual perversion and misrepresentation, could give such a colouring. That I ever suggested the idea of letting loose an army indiscriminately on the innocent and guilty, in a state refusing to comply with the requisitions of Congress, or that such an idea ever had place in my mind, is a falsehood so groundless, so base and malignant, that it could only have originated or been devised by a heart which would dishonour the midnight assassin. My sentiments on this subject are well known; it was only in the case where a state refused to comply with the requisitions of Congress, that I was willing to grant the general government those powers which the proposed constitution gives it in every case.* Had I been a greater friend to a standing army, and not quite so averse to expose your liberties to a soldiery, I do not believe the Landholder would have chose me for the object on whom to expend his artillery of falsehood.

That a system may enable government wantonly to exercise power over the militia, to call out an unreasonable number from any particular state without its permission, and to march them upon, and continue them in, remote and improper services; that the same system should enable the government totally to discard, render useless, and even disarm, the militia, when it would remove them out of the way of opposing its ambitious views, is by no means inconsistent, and is really the case in the proposed constitution. In both these respects it is, in my opinion, highly faulty, and ought to be amended. In the proposed system the general government has a power not only without the consent, but contrary to the will of the state government, to call out the whole of

* According to this idea, I endeavored to obtain as an amendment to the system the following clause: "And whenever the legislature of the United States shall find it necessary that revenue shall be raised by direct taxation, having apportioned the same by the above rule, requisitions shall be made of the respective states to pay into the continental treasury their respective quotas within a time in the said requisition to be specified, and in case of any of the states failing to comply with such requisition, then, and then only, to have power to devise and pass acts directing the mode, and authorizing the same in the state failing therein." This was rejected, and that power, which I wished to have given the government only in this particular instance, is given to it without any restraint or limitation in every case.

its militia, without regard to religious scruples, or any other consideration, and to continue them in service as long as it pleases, thereby subjecting the freemen of a whole state to martial law and reducing them to the situation of slaves. It has also, by another clause, the powers by which only the militia can be organized and armed, and by the neglect of which they may be rendered utterly useless and insignificant, when it suits the ambitious purposes of government. Nor is the suggestion unreasonable, even if it had been made, that the government might improperly oppress and harass the militia, the better to reconcile them to the idea of regular troops, who might relieve them from the burthen, and to render them less opposed to the measures it might be disposed to adopt for the purpose of reducing them to that state of insignificancy and uselessness. When the Landholder declared that "I contended the powers and authorities of the new constitution must destroy the liberties of the people," he for once stumbled on the truth, but even this he could not avoid coupling with an assertion utterly false. I never suggested that "the same powers could be safely entrusted to the old Congress;" on the contrary, I opposed many of the powers as being of that nature that, in my opinion, they could not be entrusted to any government whatever consistent with the freedom of the states and their citizens, and I earnestly recommended, what I wish my fellow citizens deeply to impress on your minds, that in altering or amending our federal government no greater powers ought to be given than experience has shown to be necessary, since it will be easy to delegate further power when time shall dictate the expediency or necessity, but powers once bestowed upon a government, should they be found ever so dangerous or destructive to freedom, cannot be resumed or wrested from government but by another revolution.

LUTHER MARTIN.

Baltimore, March 14, 1788.

LUTHER MARTIN, IV.

THE MARYLAND JOURNAL.

FRIDAY, MARCH 21, 1788.

(Number 1022)

Number II.

TO THE CITIZENS OF MARYLAND.

In the recognition which the Landholder professes to make "of what occurred to my advantage," he equally deals in the arts of misrepresentation, as while he was "only the record of the bad," and I am equally obliged from a regard to truth to disclaim his pretended approbation as his avowed censure. He declares that I originated the clause which enacts that "this Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the Constitution or the laws of any state to the contrary notwithstanding." To place this matter in a proper point of view, it will be necessary to state, that as the propositions were reported by the committee of the whole house, a power was given to the general government to negative the laws passed by the state legislatures, a power which I considered as totally inadmissible; in substitution of this I proposed the following clause, which you will find very materially different from the clause adopted by the Constitution, "that the legislative acts of the United States, made by virtue and in pursuance of the articles of the union, and all treaties made and ratified under the authority

of the United States, shall be the supreme law of the respective states, so far as those acts or treaties shall relate to the said states or their citizens, and that the judiciaries of the several states shall be bound thereby in their decisions, any thing in the respective laws of the individual states to the contrary notwithstanding." When this clause was introduced, it was not established that inferior continental courts should be appointed for trial of all questions arising on treaties and on the laws of the general government, and it was my wish and hope that every question of that kind would have been determined in the first instance in the courts of the respective states; had this been the case, the propriety and the necessity that treaties duly made and ratified, and the laws of the general government, should be binding on the state judiciaries which were to decide upon them, must be evident to every capacity, while at the same time, if such treaties or laws were inconsistent with our constitution and bill of rights, the judiciaries of this state would be bound to reject the first and abide by the last, since in the form I introduced the clause, notwithstanding treaties and the laws of the general government were intended to be superior to the laws of our state government, where they should be opposed to each other, yet that they were not proposed nor meant to be superior to our constitution and bill of rights. It was afterwards altered and amended (if it can be called an amendment) to the form in which it stands in the system now published, and as inferior continental, and not state courts, are originally to decide on those questions, it is now worse than useless, for being so altered as to render the treaties and laws made under the general government superior to our constitution, if the system is adopted it will amount to a total and unconditional surrender to that government, by the citizens of this state, of every right and privilege secured to them by our constitution, and an express compact and stipulation with the general government that it may, at its discretion, make laws in direct violation of those rights. But on this subject I shall enlarge in a future number.

That I "voted an appeal should lay to the supreme judiciary of the United States, for the correction of all errors both in law

and fact," in rendering judgment is most true, and it is equally true that if it had been so ordained by the Constitution, the supreme judiciary would only have had an appellate jurisdiction, of the same nature with that possessed by our high court of appeals, and could not in any respect intermeddle with any fact decided by a jury; but as the clause now stands, an appeal being given in general terms from the inferior courts, both as to law and fact, it not only doth, but is avowedly intended, to give a power very different from what our court of appeals, or any court of appeals in the United States or in England enjoys, a power of the most dangerous and alarming nature, that of setting at nought the verdict of a jury, and having the same facts which they had determined, without any regard or respect to their determination, examined and ultimately decided by the judges themselves, and that by judges immediately appointed by the government. But the Landholder also says that "I agreed to the clause that declares nine states to be sufficient to put the government in motion." I cannot take to myself the merit even of this without too great a sacrifice of truth. It was proposed that if seven states agreed that should be sufficient; by a rule of Convention in filling up blanks, if different numbers were mentioned, the question was always to be taken on the highest. It was my opinion, that to agree upon a ratification of the constitution by any less number than the whole thirteen states, is so directly repugnant to our present articles of confederation, and the mode therein prescribed for their alteration, and such a violation of the compact which the states, in the most solemn manner, have entered into with each other, that those who could advocate a contrary proposition, ought never to be confided in, and entrusted in public life. I availed myself of this rule, and had the question taken on thirteen, which was rejected. Twelve, eleven, ten and nine were proposed in succession; the last was adopted by a majority of the members. I voted successively for each of these members, to prevent a less number being agreed on. Had nine not been adopted, I should on the same principle have voted for eight. But so far was I from giving my approbation that the assent of a less number of states than thirteen should be sufficient to put

the government in motion, that I most explicitly expressed my sentiments to the contrary, and always intended, had I been present when the ultimate vote was taken on the constitution, to have given it my decided negative, accompanied with a solemn protest against it, assigning this reason among others for my dissent. Thus, my fellow citizens, that candour with which I have conducted myself through the whole of this business obliges me, however reluctantly, and however "mortifying it may be to my vanity," to disavow all "those greater positive virtues" which the Landholder has so obligingly attributed to me in Convention, and which he was so desirous of conferring upon me as to consider the guilt of misrepresentation and falsehood but a trifling sacrifice for that purpose, and to increase my mortification, you will find I am equally compelled to yield up every pretence even to those of a negative nature, which a regard to justice has, as he says, obliged him not to omit. These consist, as he tells us, in giving my entire approbation to the system as to those parts which are said to endanger a trial by jury, and as to its want of a bill of rights, and in having too much candour there to signify that I thought it deficient in either of these respects. But how, I pray, can the Landholder be certain that I deserve this encomium? Is it not possible, as I so frequently exhausted the politeness of the Convention, that some of those marks of fatigue and disgust, with which he intimates I was mortified as oft as I attempted to speak, might at that time have taken place, and have been of such a nature as to attract his attention; or, perhaps, as the Convention was prepared to slumber whenever I rose, the Landholder, among others, might have sunk into sleep, and at that very moment might have been feasting his imagination with the completion of his ambitious views, and dreams of future greatness. But supposing I never did declare in Convention that I thought the system defective in those essential points, will it amount to a positive proof that I approved the system in those respects, or that I culpably neglected an indispensable duty? Is it not possible, whatever might have been my insolence and assurance when I first took my seat, and however fond I might be at that time of obtruding my sentiments, that the many rebuffs with which I met,

the repeated mortifications I experienced, the marks of fatigue and disgust with which my eyes were sure to be assailed wherever I turned them—one gaping here, another yawning there, a third slumbering in this place, and a fourth snoring in that—might so effectually have put to flight all my original arrogance, that, as we are apt to run into extremes, having at length become convinced of my comparative nothingness, in so august an assembly and one in which the science of government was so perfectly understood, I might sink into such a state of modesty and diffidence as not to be able to muster up resolution enough to break the seal of silence and open my lips even after the rays of light had begun to penetrate my understanding, and in some measure to chase away those clouds of error and ignorance in which it was enveloped on my first arrival? Perhaps had I been treated with a more forbearing indulgence while committing those memorable blunders, for a want of a sufficient knowledge in the science of government, I might, after the rays of light had illuminated my mind, have rendered my country much more important services, and not only assisted in raising some of the pillars, but have furnished the edifice with a new roof of my own construction, rather better calculated for the convenience and security of those who might wish to take shelter beneath it, than that which it at present enjoys. Or even admitting I was not mortified, as I certainly ought to have been, from the Landholder's account of the matter, into a total loss of speech, was it in me, who considered the system, for a variety of reasons, absolutely inconsistent with your political welfare and happiness, a culpable neglect of duty in not endeavouring, and that against every chance of success, to remove one or two defects, when I had before ineffectually endeavoured to clear it of the others, which therefore, I knew must remain? But to be serious, as to what relates to the appellate jurisdiction in the extent given by the system proposed, I am positive there were objections made to it, and as far as my memory will serve me, I think I was in the number of those who actually objected; but I am sure that the objections met with my approbation. With respect to a bill of rights, had the government been formed upon principles truly federal, as I wished it,

legislating over and acting upon the states only in their collective or political capacity, and not on individuals, there would have been no need of a bill of rights, as far as related to the rights of individuals, but only as to the rights of states. But the proposed constitution being intended and empowered to act not only on states, but also immediately on individuals, it renders a recognition and a stipulation in favour of the rights both of states and of men, not only proper, but in my opinion absolutely necessary. I endeavoured to obtain a restraint on the powers of the general government, as to standing armies, but it was rejected. It was my wish that the general government should not have the power of suspending the privilege of the writ of habeas corpus, as it appears to me altogether unnecessary, and that the power given to it may and will be used as a dangerous engine of oppression, but I could not succeed. An honorable member from South Carolina most anxiously sought to have a clause inserted securing the liberty of the Press, and repeatedly brought this subject before the Convention, but could not obtain it. I am almost positive he made the same attempt to have a stipulation in favour of liberty of conscience, but in vain. The more the system advanced the more was I impressed with the necessity of not merely attempting to secure a few rights, but of digesting and forming a complete bill of rights, including those of states and of individuals, which should be assented to, and prefixed to the Constitution, to serve as a barrier between the general government and the respective states and their citizens; because the more the system advanced the more clearly it appeared to me that the framers of it did not consider that either states or men had any rights at all, or that they meant to secure the enjoyment of any to either the one or the other; accordingly, I devoted a part of my time to the actually preparing and draughting such a bill of rights, and had it in readiness before I left the Convention, to have laid it before a committee. I conversed with several members on the subject; they agreed with me on the propriety of the measure, but at the same time expressed their sentiments that it would be impossible to procure its adoption if attempted. A very few days before I left the Convention, I shewed to an honorable mem-

ber sitting by me a proposition, which I then had in my hand, couched in the following words: "Resolved that a committee be appointed to prepare and report a bill of rights, to be prefixed to the proposed Constitution," and I then would instantly have moved for the appointment of a committee for that purpose, if he would have agreed to second the motion, to do which he hesitated, not as I understand from any objection to the measure, but from a conviction in his own mind that the motion would be in vain.

Thus my fellow citizens, you see that so far from having no objections to the system on this account, while I was at Convention, I not only then thought a bill of rights necessary, but I took some pains to have the subject brought forward, which would have been done, had it not been for the difficulties I have stated. At the same time I declare that when I drew up the motion, and was about to have proposed it to the Convention, I had not the most distant hope it would meet with success. The rejection of the clauses attempted in favour of particular rights, and to check and restrain the dangerous and exorbitant powers of the general government from being abused, had sufficiently taught me what to expect. And from the best judgment I could form while in Convention, I then was, and yet remained, decidedly of the opinion that ambition and interest had so far blinded the understanding of some of the principal framers of the Constitution, that while they were labouring to erect a fabrick by which they themselves might be exalted and benefited, they were rendered insensible to the sacrifice of the freedom and happiness of the states and their citizens, which must, inevitably be the consequence. I most sacredly believe their object is the total abolition and destruction of all state governments, and the erection on their ruins of one great and extensive empire, calculated to aggrandize and elevate its rulers and chief officers far above the common herd of mankind, to enrich them with wealth, and to encircle them with honours and glory, and which according to my judgment on the maturest reflection, must inevitably be attended with the most humiliating and abject slavery of their fellow citizens, by the sweat of whose brows, and by the toil of whose bodies, it can only be effected.

And so anxious were its zealous promoters to hasten to a birth this misshapened heterogenous monster of ambition and interest, that, for some time before the Convention rose, upon the least attempt to alter its form, or modify its powers, the most fretful impatience was shown, such as would not have done much honour to a State Assembly, had they been sitting as long a time, and their treasury empty; while it was repeatedly urged on the contrary, but urged in vain, that in so momentous an undertaking, in forming a system for such an extensive continent, on which the political happiness of so many millions, even to the latest ages, may depend, no time could be too long—no thoughts and reflections too great—and that if by continuing six months, or even as many years, we could free the system from all its errors and defects, it would be the best use to which we could possibly devote our time. Thus my fellow citizens am I under necessity of resigning again into the hands of the Landholder, all those virtues both of a positive and negative kind, which from an excess of goodness he bestowed upon me, and give him my full permission to dispose of them hereafter in favour of some other person, who may be more deserving, and to whom they will be more acceptable: at the same time, I must frankly acknowledge, however it may operate as a proof of my dullness and stupidity, that the "ignorance in the science of government" under which I laboured at first was not removed by more than two months close application under those august and enlightened masters of the science with which the Convention abounded, nor was I able to discover during that time, either by my own researches, or by any light borrowed from those luminaries, anything in the history of mankind or in the sentiments of those who have favoured the world with their ideas on government, to warrant or countenance the motley mixture of a system proposed: a system which is an innovation in government of the most extraordinary kind; a system neither wholly federal, nor wholly national—but a strange hotch-potch of both—just so much federal in appearance as to give its advocates in some measure, an opportunity of passing it as such upon the unsuspecting multitude, before they had time and opportunity to examine it, and yet so predominantly national as to put it in the

power of its movers, whenever the machine shall be set agoing, to strike out every part that has the appearance of being federal, and to render it wholly and entirely a national government: And if the framing and approving the Constitution now offered to our acceptance, is a proof of knowledge in the science of government, I not only admit, but I glory in my ignorance; and if my rising to speak had such a somnific influence on the Convention as the Landholder represents, I have no doubt the time will come, should this system be adopted, when my countrymen will ardently wish I had never left the Convention, but remained there to the last, daily administering to my associates the salutary opiate. Happy, thrice happy, would it have been for my country, if the whole of that time had been devoted to sleep, or been a blank in our lives, rather than employed in forging its chains. As I fully intended to have returned to the Convention before the completion of its business, my colleagues very probably might, and were certainly well warranted to, give that information the Landholder mentions; but whether the Convention was led to conclude that I "would have honoured the Constitution with my signature had not indispensable business called me away," may be easily determined after stating a few facts. The Landholder admits I was at first against the system—when the compromise took place on the subject of representation, I in the most explicit manner declared in Convention, that though I had concurred in the report, so far as to consent to proceed upon it that we might see what kind of a system might be formed, yet I disclaimed every idea of being bound to give it my assent, but reserved to myself the full liberty of finally giving it my negative, if it appeared to me inconsistent with the happiness of my country. In a desultory conversation which long after took place in Convention, one morning before our honourable president took the chair, he was observing how unhappy it would be should there be such a diversity of sentiment as to cause any of the members to oppose the system when they returned to their states; on that occasion I replied that I was confident no state in the union would more readily accede to a proper system of government than Maryland, but that the system under consideration was of

such a nature, that I never could recommend it for acceptance; that I thought the state never ought to adopt it, and expressed my firm belief that it never would.

An honourable member from Pennsylvania objected against that part of the sixth article which requires an oath to be taken by the persons there mentioned, in support of the constitution, observing (as he justly might from the conduct the convention was then pursuing) how little such oaths were regarded. I immediately joined in the objection, but declared my reason to be, that I thought it such a constitution as no friend of his country ought to bind himself to support. And not more than two days before I left Philadelphia, another honourable member from the same state urged most strenuously that the Convention ought to hasten their deliberations to a conclusion, assigning as a reason that the Assembly of Pennsylvania was just then about to meet, and that it would be of the greatest importance to bring the system before that session of the legislature, in order that a Convention of the State might be immediately called to ratify it, before the enemies of the system should have an opportunity of making the people acquainted with their objections, at the same time declaring that if the matter should be delayed and the people have time to hear the variety of objections which would be made to it by its opposers, he thought it doubtful whether that state or any other state in the union would adopt it.* As soon as the honourable member took his seat, I rose and observed, that I was precisely of the same opinion, that the people of America never would, nor did I think they ought to, adopt the system, if they had time to consider and understand it; whereas a proneness for novelty and change—a conviction that some alteration was necessary, and a confidence in the members who composed the Convention—might possibly procure its adoption, if brought hastily before them, but that these sentiments induced me to wish that a very different line of conduct should be pursued from that recommended by the honourable member. I wished the people to have

* How exactly agreeable to the sentiments of that honourable member has been the conduct of the friends of the Constitution in Pennsylvania and some other states, I need not mention.

every opportunity of information, as I thought it much preferable that a bad system should be rejected at first, than hastily adopted and afterwards be unavailingly repented of. If these were instances of my "high approbation," I gave them in abundance as all the Convention can testify, and continued so to do till I left them. That I expressed great regret at being obliged to leave Philadelphia, and a fixed determination to return if possible before the Convention rose, is certain. That I might declare that I had rather lose an hundred guineas than not to be there at the close of the business is very probable—and it is possible that some who heard me say this, not knowing my reasons, which could not be expressed without a breach of that secrecy to which we were enjoined, might erroneously have concluded that my motive was the gratification of vanity, in having my name enrolled with those of a Franklin and a Washington. As to the first, I cordially join in the tribute of praise so justly paid to the enlightened philosopher and statesman, while the polite, friendly and affectionate treatment myself and my family received from that venerable sage and the worthy family in which he is embosomed, will ever endear him to my heart. The name of Washington is far above my praise. I would to Heaven that on this occasion one more wreath had been added to the number of those which are twined around his amiable brow—that those with which it is already surrounded may flourish with immortal verdure, nor wither or fade till time shall be no more, is my fervent prayer, and may that glory which encircles his head ever shine with undiminished rays. To find myself under the necessity of opposing such illustrious characters, whom I venerated and loved, filled me with regret; but viewing the system in the light I then did, and yet do view it, to have hesitated would have been criminal; complaisance would have been guilt. If it was the idea of my state that whatever a Washington or Franklin approved, was to be blindly adopted, she ought to have spared herself the expence of sending any members to the Convention, or to have instructed them implicitly to follow where they led the way. It was not to have my "name enrolled with the other labourers," that I wished to return to Philadelphia—that sacrifice which I must have made of my

principles by putting my name to the Constitution, could not have been effaced by any derivative lustre it could possibly receive from the bright constellation with which it would have been surrounded. My object was in truth the very reverse; as I had uniformly opposed the system in its progress, I wished to have been present at the conclusion, to have then given it my solemn negative, which I certainly should have done, even had I stood single and alone, being perfectly willing to leave it to the cool and impartial investigation both of the present and of future ages to decide who best understood the science of government—who best knew the rights of men and of states, who best consulted the true interest of America, and who most faithfully discharged the trust reposed in them, those who agreed to or those who opposed the new Constitution—and so fully have I made up my own mind on this subject, that as long as the history of mankind shall record the appointment of the late Convention, and the system which has been proposed by them, it is my highest ambition that my name may also be recorded as one who considered the system injurious to my country, and as such opposed it. Having shown that I did not "alter my opinion after I left Philadelphia," and that I acted no "contradictory parts on the great political stage," and therefore that there are none such to reconcile, the reason assigned by the Landholder for that purpose doth not deserve my notice, except only to observe that he shrewdly intimates there is already a Junto established, who are to share in and deal out the offices of this new government at their will and pleasure, and that they have already fixed upon the character who is to be "Deputy Attorney General of the United States for the State of Maryland." If this is true, it is worth while to inquire of whom this Junto consists, as it might lead to a discovery of the persons for the gratification of whose ambition and interest this system is prepared, and is, if possible, to be enforced, and from the disposition of offices already allotted in the various and numerous departments, we possibly might discover whence proceeds the conviction and zeal of some of its advocates.

LUTHER MARTIN.

Baltimore, March 19, 1788.

LUTHER MARTIN, V.

THE MARYLAND JOURNAL.

FRIDAY, MARCH 28, 1788.

(Number 1024)

Number III.

TO THE CITIZENS OF MARYLAND.

There is, my fellow citizens, scarcely an individual of common understanding, I believe, in this state, who is any ways acquainted with the proposed Constitution, who doth not allow it to be, in many instances, extremely censurable, and that a variety of alterations and amendments are essentially requisite, to render it consistent with a reasonable security for the liberty of the respective states, and their citizens. Aristides,* it is true, is an exception from this observation; he declares, that "if the whole matter was left to his discretion, he would not change any part of the proposed Constitution," whether he meant this declaration as a proof of his discretion, I will not say; it will however, readily be admitted, by most, as a proof of his enthusiastic zeal in favour of the system. But it would be injustice to that writer not to observe, that if he is as much mistaken in the other parts of the Constitution, as in that which relates to the judicial department, the Constitution which he is so earnestly recommending to his countrymen, and on which he is lavishing so liberally his commendations, is a thing of his own creation and totally different from that which is offered for your acceptance.—He has given us an

* A reference to Alexander Contee Hanson's pamphlet, written under the pseudonym of Aristides. It is reprinted in Ford's *Pamphlets on the Constitution.—Ed.*

explanation of the original and appellate jurisdiction of the judiciary of the general government, and of the manner in which he supposes it is to operate—an explanation so inconsistent with the intention of its framers, and so different from its true construction and from the effect which it will have, should the system be adopted, that I could scarce restrain my astonishment at the error, although I was in some measure prepared for it, by his previous acknowledgment that he did not very well understand that part of the system; a circumstance I apprehended he did not recollect at the time when he was bestowing upon it his dying benediction. And if one of our judges, possessed of no common share of understanding, and of extensive acquired knowledge, who, as he informs us, has long made the science of government his peculiar study, so little understands the true import and construction of this Constitution, and that too in a part more particularly within his own province, can it be wondered at that the people in general, whose knowledge in subjects of this nature is much more limited and circumscribed, should but imperfectly comprehend the extent, operation and consequences of so complex and intricate a system; and is not this of itself a strong proof of the necessity that it should be corrected and amended, at least so as to render it more clear and comprehensible to those who are to decide upon it, or to be affected by it. But although almost every one agrees the Constitution, as it is, to be both defective and dangerous, we are not wanting in characters who earnestly advise us to adopt it, in its present form, with all its faults, and assure us we may safely rely on obtaining hereafter the amendments that are necessary. But why, I pray you, my fellow citizens, should we not insist upon the necessary amendments being made now, while we have the liberty of acting for ourselves, before the Constitution becomes binding upon us by our assent, as every principle of reason, common sense and safety would dictate? Because, say they, the sentiments of men are so different, and the interests of the different states are so jarring and dissonant, that there is no probability they would agree if alterations and amendments were attempted. Thus with one breath they tell us that the obstacles to any alterations and amendments being agreed

to by the states are so insuperable, that it is vain to make the experiment, while in the next they would persuade us it is so certain the states will accede to those which shall be necessary, and that they may be procured even after the system shall be ratified, that we need not hesitate swallowing the poison, from the ease and security of instantly obtaining the antidote—and they seem to think it astonishing that any person should find a difficulty in reconciling the absurdity and contradiction. If it is easy to obtain proper amendments, do not let us sacrifice everything that ought to be dear to freemen, for want of insisting upon its being done, while we have the power. If the obtaining them will be difficult and improbable, for God's sake do not accept of such a form of government as without amendments cannot fail of rendering you mere beasts of burthen, and reducing you to a level with your own slaves, with this aggravating distinction, that you once tasted the blessings of freedom. Those who would wish you to believe that the faults in the system proposed are wholly or principally owing to the difference of state interests, and proceed from that cause, are either imposed upon themselves, or mean to impose upon you. The principal questions, in which the state interests had any material effect, were those which related to representation, and the number in each branch of the legislature, whose concurrence should be necessary for passing navigation acts, or making commercial regulations. But what state is there in the union whose interest would prompt it to give the general government the extensive and unlimited powers it possesses in the executive, legislative and judicial departments, together with the powers over the militia, and the liberty of establishing a standing army without any restriction? What state in the union considers it advantageous to its interest that the President should be re-eligible—the members of both houses appointable to offices—the judges capable of holding other offices at the will and pleasure of the government, and that there should be no real responsibility either in the President or in the members of either branch of the Legislature? Or what state is there that would have been averse to a bill of rights, or that would have wished for the destruction of jury trial in a great variety of cases, and in a particular manner in

every case without exception where the government itself is interested? These parts of the system, so far from promoting the interest of any state, or states, have an immediate tendency to annihilate all the state governments indiscriminately, and to subvert their rights and the rights of their citizens. To oppose these, and to procure their alteration, is equally the interest of every state in the union. The introduction of these parts of the system must not be attributed to the jarring interests of states, but to a very different source, the pride, the ambition and the interest of individuals. This being the case, we may be enabled to form some judgment of the probability of obtaining a safe and proper system, should we have firmness and wisdom to reject that which is now offered; and also of the great improbability of procuring any amendments to the present system, if we should weakly and inconsiderately adopt it. The bold and daring attempt that has been made to use, for the total annihilation of the states, that power that was delegated for their preservation, will put the different states on their guard. The votaries of ambition and interest being totally defeated in their attempt to establish themselves on the ruins of the States, which they will be if this Constitution is rejected, an attempt in which they had more probability of success from the total want of suspicion in their countrymen than they can have hereafter, they will not hazard a second attempt of the same nature, in which they will have much less chance of success; besides, being once discovered they will not be confided in. The true interest and happiness of the states and their citizens will, therefore, most probably be the object which will be principally sought for by a second Convention, should a second be appointed, which if really aimed at, I cannot think very difficult to accomplish, by giving to the federal government sufficient power for every salutary purpose, while the rights of the states and their citizens should be secure from any imminent danger. But if the arts and influence of ambitious and interested men, even in their present situation, while more on a level with yourselves, and unarmed with any extraordinary powers, should procure you to adopt this system, dangerous as it is admitted to be to your rights, I will appeal to the un-

derstanding of every one of you, who will on this occasion give his reason fair play, whether there is not every cause to believe they will, should this government be adopted, with that additional power, consequence and influence it will give them, most easily prevent the necessary alterations which might be wished for, the purpose of which would be directly opposite to their views, and defeat every attempt to procure them. Be assured, whatever obstacles or difficulties may be at this time in the way of obtaining a proper system of government, they will be increased an hundred fold after this system is adopted. Reflect also, I entreat you, my fellow citizens, that the alterations and amendments which are wanted in the present system are of such a nature as to diminish and lessen, to check and restrain the powers of the general government, not to increase and enlarge those powers. If they were of the last kind, we might safely adopt it, and trust to giving greater powers hereafter, like a physician who administers an emetic ex re nata, giving a moderate dose at first, and increasing it afterwards as the constitution of the patient may require. But I appeal to the history of mankind for this truth, that when once power and authority are delegated to a government, it knows how to keep it, and is sufficiently and successfully fertile in expedients for that purpose. Nay more, the whole history of mankind proves that so far from parting with the powers actually delegated to it, government is constantly encroaching on the small pittance of rights reserved by the people to themselves, and gradually wresting them out of their hands until it either terminates in their slavery or forces them to arms, and brings about a revolution. From these observations it appears to me, my fellow citizens, that nothing can be more weak and absurd than to accept of a system that is admitted to stand in need of immediate amendments to render your rights secure—for remember, if you fail in obtaining them, you cannot free yourselves from the yoke you will have placed on your necks, and servitude must, therefore, be your portion. Let me ask you my fellow citizens what you would think of a physician who, because you were slightly indisposed, should bring you a dose which properly corrected with other ingredients might be a salutary remedy, but of itself was a

deadly poison, and with great appearance of friendship and zeal, should advise you to swallow it immediately, and trust to accident for those requisites necessary to qualify its malignity, and prevent its destructive effects? Would not you reject the advice, in however friendly a manner it might appear to be given, with indignation, and insist that he should first procure, and properly attempt, the necessary ingredients, since after the fatal draught was once received into your bowels, it would be too late should the antidote prove unattainable, and death must ensue. With the same indignation ought you, my fellow citizens, to reject the advice of those political quacks, who under pretence of healing the disorders of our present government, would urge you rashly to gulp down a constitution, which in its present form, unaltered and unamended, would be as certain death to your liberty, as arsenic could be to your bodies.

LUTHER MARTIN.

Baltimore, March 25, 1788.

LUTHER MARTIN, VI.

THE MARYLAND JOURNAL.

FRIDAY, APRIL 4, 1788.

(Number 1026)

Number IV.

TO THE CITIZENS OF MARYLAND.

If those, my fellow citizens, to whom the administration of our government was about to be committed, had sufficient wisdom never to err, and sufficient goodness always to consult the true interest of the governed, and if we could have a proper security that their successors should to the end of time be possessed of the same qualifications, it would be impossible that power could be lavished upon them with too liberal a hand. Power absolute and unlimited, united with unerring wisdom and unbounded goodness, is the government of the Deity of the universe. But remember, my fellow citizens, that the persons to whom you are about to delegate authority are and will be weak, erring mortals, subject to the same passions, prejudices and infirmities with yourselves; and let it be deeply engraven on your hearts, that from the first history of government to the present time, if we begin with Nimrod and trace down the rulers of nations to those who are now invested with supreme power, we shall find few, very few, who have made the beneficent Governor of the universe the model of their conduct, while many are they who, on the contrary, have imitated the demons of the darkness. We have no right to expect that our rulers will be more wise, more virtuous, or more perfect than those of other nations have been, or that

they will not be equally under the influence of ambition, avarice and all that train of baleful passions, which have so generally proved the curse of our unhappy race. We must consider mankind such as they really are,—such as experience has shown them to be heretofore, and bids us expect to find them hereafter,—and not suffer ourselves to be misled by interested deceivers or enthusiastick visionaries; and therefore in forming a system of government, to delegate no greater power than is clearly and certainly necessary, ought to be the first principle with every people who are influenced by reason and a regard for their safety, and in doing this, they ought most solicitously to endeavour so to qualify even that power, by such checks and restraints, as to produce a perfect responsibility in those who are to exercise it, and prevent them from its abuse with a chance of impunity;—since such is the nature of man, that he has a propensity to abuse authority and to tyrannize over the rights of his fellowmen;—and to whomsoever power is given, not content with the actual deposit, they will ever strive to obtain an increase. Those who would wish to excite and keep awake your jealousy and distrust are your truest friends; while they who speak peace to you when there is no peace—who would lull you into security, and wish you to repose blind confidence in your future governors—are your most dangerous enemies; jealousy and distrust are the guardian angels who watch over liberty—security and confidence are the forerunners of slavery. But the advocates of the system tell you that we who oppose it, endeavour to terrify you with mere possibilities which may never be realized, that all our objections consist in saying government may do this, and government may do that.—I will for argument sake admit the justice of this remark, and yet maintain that the objections are insurmountable. I consider it an incontrovertible truth, that whatever by the constitution government even may do, if it relates to the abuse of power by acts tyrannical and oppressive, it some time or other will do. Such is the ambition of man, and his lust for domination, that no power less than that which fixed its bounds to the ocean can say to them, "Thus far shall ye go and no farther." Ascertain the limits of the may with ever so much precision, and let them be as extensive as you

please, government will speedily reach their utmost verge; nor will it stop there, but soon will overleap those boundaries, and roam at large into the regions of the may not. Those who tell you the government by this constitution may keep up a standing army, abolish the trial by jury, oppress the citizens of the states by its powers over the militia, destroy the freedom of the press, infringe the liberty of conscience, and do a number of other acts injurious and destructive of your rights, yet that it never will do so; and that you safely may accept such a constitution and be perfectly at ease and secure that your rulers will always be so good, so wise, and so virtuous—such emanations of the Deity—that they will never use their power but for your interest and your happiness, contradict the uniform experience of ages, and betray a total ignorance of human nature, or a total want of ingenuity. Look back, my fellow citizens, to your conduct but a few years past, and let that instruct you what ought to be your conduct at this time. Great Britain then claimed the right to pass laws to bind you in all cases whatever. You were then told in all the soft insinuating language of the present day, and with all the appearance of disinterested friendship now used, that those who insisted this claim of power might be abused, only wandered in the regions of fancy—that you need not be uneasy, but might safely acquiesce in the claim—that you might have the utmost possible confidence in your rulers, that they never would use that power to your injury; but distrustful of government, and jealous of your liberty, you rejected such counsel with disdain; the bare possibility that Britain might abuse it, if once conceded, kindled a flame from one end of this continent to the other, and roused you to arms. Weak and defenseless as you were, unused to military exertions, and unsupplied with warlike stores, you braved the strength of a nation the most powerful and best provided—you chose to risk your lives and property rather than to risque the possibility that the power claimed by the British government should be exercised to your injury—a possibility which the minions of power at that time, with as much confidence as those of the present day, declared to be absolutely visionary. Heaven wrought a miracle in your favour, and your

efforts were crowned with success. You are not now called upon to make an equal sacrifice, you are not now requested to beat your ploughshares into swords, or your pruning hooks into spears, to leave your peaceful habitations, and exchange domestic tranquillity for the horrors of war; peaceably, quietly and orderly to give this system of slavery your negative, is all that is asked by the advocates of freedom—to pronounce the single monosyllable no, is all they entreat. Shall they entreat you in vain? when by this it is to be determined, whether our independence, for obtaining which we have been accustomed to bow the knee with reverential gratitude to Heaven, shall be our greatest curse; and when on this it depends whether we shall be subject to a government, of which the little finger will be thicker than the loins of that of Great Britain. But there are also persons who pretend that your situation is at present so bad that it cannot be worse, and urge that as an argument why we should embrace any remedy proposed, however desperate it may appear. Thus do the poor erring children of mortality, suffering under the presence of real or imaginary evils, have recourse to a pistol or halter for relief, and rashly launch into the untried regions of eternity—nor wake from this delusion, until they wake in endless woe. Should the citizens of America, in a fit desperation, be induced to commit this fatal act of political suicide, to which by such arguments they are stimulated, the day will come when laboring under more than Egyptian bondage; compelled to finish their quota of brick, though destitute of straw and of mortar; galled with your chains, and worn down by oppression, you will, by sad experience, be convinced (when that conviction shall be too late), that there is a difference in evils, and that the buzzing of gnats is more supportable than the sting of a serpent. From the wisdom of antiquity we might obtain excellent instruction, if we were not too proud to profit by it. Æsop has furnished us with a history of a nation of frogs, between which and our own there is a striking resemblance—whether the catastrophe be the same, rests with ourselves. Jupiter out of pure good nature, wishing to do them as little injury as possible, on being asked for a king, had thrown down into their pond a log to rule over them;—under whose government, had they been wise

enough to know their own interest and to pursue it, they might to this day, have remained happy and prosperous. Terrified with the noise, and affrighted by the violent undulations of the water, they for some time kept an awful distance, and regarded their monarch with reverence; but the first impression being in some measure worn off, and perceiving him to be of a tame and peaceable disposition, they approached him with familiarity, and soon entertained for him the utmost contempt. In a little time were seen the leaders of the frogs croaking to their respective circles on the weakness and feebleness of the government at home, and of its want of dignity and respect abroad, till the sentiment being caught by their auditors, the whole pond resounded with "Oh Jupiter, good Jupiter, hear our prayers! take away from us this vile log, and give us a ruler who shall know how to support the dignity and splendor of government! give us any government you please, only let it be energetic and efficient." The Thunderer, in his wrath, sent them a crane. With what delight did they gaze on their monarch, as he came majestically floating on the wings of the wind. They admired his uncommon shape—it was such as they had never before seen—his deformities were, in their eyes, the greatest of beauties, and they were heard like Aristides to declare that, were they on the verge of eternity, they would not wish a single alteration in his form. His monstrous beak, his long neck, and his enormous poke, even these, the future means of their destruction, were subjects of their warm approbation. He took possessian of his new dominions, and instantly began to swallow down his subjects, and it is said that those who had been the warmest zealots for crane administration, fared no better than the rest. The poor wretches were now much more dissatisfied than before, and with all possible humility applied to Jupiter again for his aid, but in vain—he dismissed them with this reproof, "that the evil of which they complained they had foolishly brought upon themselves, and that they had no other remedy now, but to submit with patience." Thus forsaken by the god, and left to the mercy of the crane, they sought to escape his cruelty by flight; but pursuing them to every place of retreat, and thrusting his long neck through the water to the

bottom, he drew them out with his beak from their most secret hiding-places, and served them up as a regale for his ravenous appetite. The present federal government is, my fellow citizens, the log of the fable—the crane is the system now offered to your acceptance—I wish you not to remain under the government of the one, nor to become subjected to the tyranny of the other. If either of these events take place, it must arise from your being greatly deficient to yourselves—from your being, like the nation of Frogs, "a discontented, variable race, weary of liberty and fond of change." At the same time I have no hesitation in declaring, that if the one or the other must be our fate, I think the harmless, inoffensive, though contemptible Log, infinitely to be preferred to the powerful, the efficient, but all-devouring Crane.

LUTHER MARTIN.

Baltimore, March 29, 1788.

LETTER

OF

A PLAIN DEALER

ACCREDITED TO

SPENCER ROANE,

AND PRINTED IN

THE VIRGINIA INDEPENDENT CHRONICLE,

FEBRUARY,

1788.

NOTE.

In October, 1787, Governor Edmund Randolph, delegate to the Federal Convention form Virginia, addressed to the Speaker of the House of Delegates a letter on the Federal Constitution. This was published in December, 1787, in both *The Virginia Gazette* and *The Virginia Independent Chronicle*, as well as in pamphlet form at the time, and recently in Ford's *Pamphlets on the Constitution*. Randolph had declined to give his assent to the Constitution in the Convention, but had so far altered his views in the intervening period as to make his letter on the whole an argument in favor of rather than against its adoption. Uncertain in exactly what light to regard his utterances, it was one of the few writings of the time which did not receive replies from one party or the other.

The essay of "A Plain Dealer" is the only notice I have found of this letter, and deals rather more with the inconsistencies of Randolph's views, than with the arguments advanced in the latter. Of the author, Randolph himself gives us a clue in his letter to Madison, of February 29, 1788, where he writes:

A writer calling himself Plain Dealer, who is bitter in principle *vs.* the Constitution, has attacked me in the paper. I suspect the author to be Mr. Spencer Roane; and the importunities of some to me in public and private are designed to throw me unequivocally and without condition into the opposition.

A PLAIN DEALER.

THE VIRGINIA INDEPENDENT CHRONICLE,

(Number 82)

WEDNESDAY, FEBRUARY 13, 1788.

Mans parturiens et ecce nascitur mus.

After a long and general expectancy of some dissertation on the subject of the proposed Fœderal Constitution, worthy the first magistrate of the respectable state of Virginia, a letter of his Excellency Governor Randolph, of Oct. 10, 1787, is at length presented to the public. Previous to the appearance of this letter, various opinions were prevailing in different parts of this country respecting that gentleman's *real* opinion on the subject of the said Constitution; and it became difficult for many to conjecture how his Excellency would devise a middle course, so as to catch the spirit of all his countrymen, and to reconcile himself to all parties. It was not known to me, at least, that his Excellency felt an "unwillingness to disturb the harmony of the legislature" on this important subject; nor could I conceive that the sentiments of even the ablest man among us could "excite a contest unfavorable" to the fairest discussion of the question. On the other hand, I thought it right that the adversaries of the Constistitution, as well as its framers, should candidly avow their real sentiments as early and decidedly as possible, for the information of those who are to determine. It is true, his Excellency was prevented declaring his opinion sooner, "by motives of delicacy arising from two questions depending before the General Assembly, one respecting the Constitution, the other respecting him-

self;" but I am of opinion that during the pendency of a question concerning the Constitution, every information on that subject is most properly to be adduced; and I did not know that the being or not being Governor of Virginia, (an office in a great degree nominal) was sufficient to deter a real patriot from speaking the warning voice of opposition, in behalf of the liberties of his country.

The letter above-mentioned can derive no aid from panegyric, as to the brilliancy and elegance of its stile, for unlike the threadbare discourses of other statesmen on the dry subject of government, it amuses us with a number of fine words. But how shall I express my dislike of the ultimatum of his Excellency's letter, wherein he declares "that if after our best efforts for amendments, they cannot be obtained, he will adopt the Constitution as it is." How is this declaration reconcilable to a former opinion of his Excellency's, expressed to the Honorable Richard Henry Lee, and repeated by the latter gentleman in his letter,* as printed in the public papers, "that either a monarchy or an aristocracy will be generated from the proposed Constitution." Good God! how can the first Magistrate and Father of a free republican government, after a feeble parade of opposition, and before his desired plan of amendments has been determined upon, declare that he will accept a Constitution which is to beget a monarchy or an aristocracy? How can such a determination be reconcileable to the feelings of Virginia, and to the principles which have prevailed in almost every legislature of the union, who looked no farther than the amendment of our present republican confederation? I have charity to believe that the respectable characters who signed this Constitution did so, thinking that neither a monarchy nor an aristocracy would ensue, but that they should thereby preserve and ameliorate the republic of America; but never until now, that his Excellency has let the cat out of the bag, did I suppose that any member of the Convention, at least from the republican state of Virginia, would accept a Constitution, whereby the republic of his constitu-

* Printed in *Elliot*, I, 503.—*Ed.*

ents is to be sacrificed in its infancy, and before it has had a fair trial. But his Excellency will adopt this Constitution, "BECAUSE HE WOULD REGULATE HIMSELF BY THE SPIRIT OF AMERICA." But is his Excellency a prophet as well as a politician—can he foretell future events? How else can he at this time discover what the spirit of America is? But admitting his infallibility for a moment, how far will his principle carry him?—why, that if the dominion of Shays, instead of that of the new Constitution, should be generally accepted, and become the spirit of America, his Excellency, too, would turn Shayite!—and yet this question of the Constitution, is "ONE ON WHICH THE FATE OF THOUSANDS YET UNBORN DEPENDS." It is his Excellency's opinion, as expressed in the aforesaid letter, that the powers which are acknowledged necessary for supporting the Union, cannot safely be entrusted to our Congress as at present constituted; and his vain objection is "that the representation of the states bears no proportion to their importance." This is literally true; but is equally true of the Senate of the proposed Constitution, which is to be an essential part of the legislature; and yet his Excellency will accept the latter, and not agree to invest the necessary powers in the former, although the above objection equally applies to both. Nay, I am inclined to believe that the injurious consequences of this unequal representation will operate more strongly under the new government—for under the present confederation the members of Congress are removable at the pleasure of their constituents;—whereas under the proposed Constitution, the only method of removing a wicked, unskilful or treacherous senator, will be by impeachment before the senate itself, of which he is a member.

These, Mr. Printer, are some of the inconsistencies which even a slight observation of the above letter will suggest. It is not my purpose to oppose now, or to investigate, the merits of the Constitution. This I leave to abler pens, and to the common sense of my countrymen. The science of government is *in itself* simple and plain; and if in the history of mankind no perfect government can be found, let it be attributed to the chicane, perfidy and ambition of those who fabricate them; and who are more or less, in common with all mankind, infected with a lust of power. It is,

however, certainly not consistent with sound sense to accept a Constitution, knowing it to be imperfect; and his Excellency acknowledges the proposed one to have radical objections. A Constitution ought to be like Cæsar's wife, not only good, but unsuspected, since it is the highest compact which men are capable of forming, and involves the dearest rights of life, liberty and property. I fear his Excellency has done no service to his favorite scheme of amendments (and he too seems to be of the same opinion) by his very candid declaration at the end of his letter. Subtlety and chicane in politics, are equally odious and dishonorable; but when it is considered that the present is not the golden age—the epoch of virtue, candor and integrity—that the views of ambitious and designing men are continually working to their own aggrandizement and to the overthrow of liberty, and that the discordant interests of thirteen different commonwealths are to be reconciled and promoted by one general government; common reason will teach us that the utmost caution, secrecy, and political sagacity is requisite to secure to each the important blessings of a good government.

I shall now take my leave of his Excellency and the abovementioned letter, declaring my highest veneration for his character and abilities; and it can be no impeachment of the talents of any man who has not served a regular apprenticeship to politics, to say, that his opinions on an intricate political question are erroneous. For if, as the celebrated Dr. Blackstone observes, "in every art, occupation, or science, commercial or mechanical, some method of instruction or apprenticeship is held necessary, how much more requisite will such apprenticeship be found to be, in the science of government, the noblest and most difficult of any!"

A PLAIN DEALER.

REMARKS

ON THE

NEW PLAN OF GOVERNMENT,

BY

HUGH WILLIAMSON,

PRINTED IN

THE STATE GAZETTE OF NORTH CAROLINA.

1788.

NOTE.

No file of the *State Gazette of North Carolina* is now known to exist, so the date of publication of this essay is in doubt. It is printed from a clipping from that paper, preserved by Williamson himself, which is in the library of the New York Historical Society. A note states that:

"The following remarks on the new Plan of Government are handed us as the substance of Dr. Williamson's Address to the freemen of Edenton and the County of Chowan when assembled to instruct their representatives.

REMARKS.

STATE GAZETTE OF NORTH CAROLINA.

Though I am conscious that a subject of the greatest magnitude must suffer in the hands of such an advocate, I cannot refuse, at the request of my fellow-citizens, to make some observations on the new plan of government.

It seems to be generally admitted, that the system of government which has been proposed by the late convention, is well calculated to relieve us from many of the grievances under which we have been laboring. If I might express my particular sentiments on this subject, I should describe it as more free and more perfect than any form of government that has ever been adopted by any nation; but I would not say it has no faults. Imperfection is inseparable from every device. Several objections were made to this system by two or three very respectable characters in the convention, which have been the subject of much conversation; and other objections, by citizens of this state, have lately reached our ears. It is proper you should consider of these objections. They are of two kinds; they respect the things that are in the system, and the things that are not in it. We are told that there should have been a section for securing the trial by Jury in civil cases, and the liberty of the press: that there should also have been a declaration of rights. In the new system, it is provided, that "*the trial of all crimes*, except in cases of impeachment, *shall be by jury*," but this provision could not possibly be extended to all *civil* cases. For it is well known that the trial by jury is not general and uniform throughout the United States, either in cases of admiralty or of chancery; hence it becomes necessary to submit the question to the general Legislature, who might accommo-

date their laws on this occasion to the desires and habits of the nation. Surely there is no prohibition in a case that is untouched.

We have been told that the liberty of the press is not secured by the new Constitution. Be pleased to examine the Plan, and you will find that the liberty of the press and the laws of Mahomet are equally affected by it. The new government is to have the power of protecting literary property; the very power which you have by a special act delegated to the present congress. There was a time in England, when neither book, pamphlet, nor paper could be published without a license from government. That restraint was finally removed in the year 1694: and, by such removal, their press became perfectly free, for it is not under the restraint of any license. Certainly the new government can have no power to impose restraints. The citizens of the United States have no more occasion for a second declaration of rights, than they have for a section in favour of the press. Their rights, in the several states, have long since been explained and secured by particular declarations, which make a part of their several constitutions. It is granted, and perfectly understood, that under the government of the assemblies of the states, and under the government of the congress, every right is reserved to the individual which he has not expressly delegated to this, or that legislature. The other objections that have been made to the new plan of government, are: That it absorbs the powers of the several states; that the national judiciary is too extensive; that a standing army is permitted; that congress is allowed to regulate trade; that the several states are prevented from taxing exports for their own benefit.

When Gentlemen are pleased to complain, that little power is left in the hands of the separate states, they should be advised to cast an eye upon the large code of laws, which have passed in this state since the peace. Let them consider how few of those laws have been framed for the general benefit of the nation. Nine out of ten of them are domestic; calculated for the sole use of this state or of particular citizens. There must still be use for such laws, though you should enable the congress to collect a revenue

for national purposes; and the collection of that revenue includes the chief of the new powers, which are now to be committed to the congress.

Hitherto you have delegated certain powers to the Congress, and other powers to the Assemblies of the states. The portion that you have delegated to Congress, is found to have been useless, because it is too small: and the powers that are committed to the Assemblies of the several states are also found to be absolutely ineffectual for national purposes, because they can never be so managed as to operate in concert. Of what use is that small portion of reserve powers? It neither makes you respectable nor powerful. The consequence of such reservation is national contempt abroad, and a state of dangerous weakness at home. What avails the claim of power, which appears to be nothing better than the empty whistling of a name? The Congress will be chosen by yourselves, as your members of Assembly are. They will be creatures of your hands, and subject to your advice. Protected and cherished by the small addition of power which you shall put into their hands, you may become a great and respectable nation.

It is complained that the powers of the national judiciary are too extensive. This objection appears to have the greatest weight in the eyes of gentlemen who have not carefully compared the powers which are to be delegated, with those that had been formerly delegated to Congress. The powers now to be committed to the national legislature, as they are detailed in the 8th section of the first article, have already been chiefly delegated to the Congress, under one form or another, except those which are contained in the first paragraph of that section. And the objects that are now to be submitted to the supreme judiciary, or to the inferior courts, are those which naturally arise from the constitutional laws of Congress. If there is a single new case that can be exceptional, it is that between a Foreigner and a Citizen, or that between the Citizens of different States. These cases may come up by appeal. It is provided in this system, that there shall be no fraudulent tender in the payments of debts. Foreigners with whom we have treaties will trust our citizens on

the faith of this engagement; and the citizens of different states will do the same. If the Congress had a negative on the laws of the several states, they would certainly prevent all such laws as might endanger the honor or peace of the nation, by making a tender of base money; but they have no such power, and it is at least possible that some state may be found in this union, disposed to break the constitution, and abolish private debts by such tenders. In these cases the courts of the offending state would probably decide according to its own laws. The foreigner would complain, and the nation might be involved in war for the support of such dishonest measures. Is it not better to have a court of appeals in which the judges can only be determined by the laws of the nation? This court is equally to be desired by the citizens of different states. But we are told that justice will be delayed, and the poor will be drawn away by the rich to a distant court. The authors of this remark have not fully considered the question, else they must have recollected that the poor of this country have little to do with foreigners or with the citizens of distant states. They do not consider that there may be an inferior court in every state; nor have they recollected that the appeals being with such exceptions, and under such regulations as Congress shall make, will never be permitted for trifling sums or under trivial pretences, unless we can suppose that the national legislature shall be composed of knaves and fools. The line that separates the powers of the national legislature from those of the several states is clearly drawn. The several states reserve every power that can be exercised for the particular use and comfort of the state. They do not yield a single power which is not absolutely necessary to the safety and prosperity of the nation, nor one that could be employed to any effect in the hands of particular states. The powers of judiciary naturally arise from those of the legislature. Questions that are of a national concern, and those cases which are determinable by the general laws of the nation, are to be referred to the national judiciary; but they have not anything to do with a single case either civil or criminal which respects the private and particular concerns of a state or its citizens.

The possibility of keeping regular troops in the public service, has been urged as another objection against the new constitution. It is very remarkable that the same objection has not been made against the original confederation, in which the same grievance obtains without the same guards. It is now provided, that no appropriation of money for the use of the army shall be for a longer time than two years. Provision is also made for having a powerful militia, in which there never can be occasion for many regular troops.

It has been objected in some of the southern states, that the Congress, by a majority of votes, is to have the power to regulate trade. It is universally admitted that Congress ought to have this power, else our commerce, which is nearly ruined, can never be restored; but some gentlemen think that the concurrence of two-thirds of the votes in Congress should have been required. By the sundry regulations of commerce, it will be in the power of government not only to collect a vast revenue for the general benefit of the nation, but to secure the carrying trade in the hands of citizens in preference to strangers. It has been alleged that there are few ships belonging to the southern states; and that the price of freight must rise in consequence of our excluding many foreign vessels: but when we have not vessels of our own, it is certainly proper that we should hire those of citizens in preference to strangers; and though the price of freight should rise for two or three years, this advantage is fully due to our brethren in the eastern and middle states, who, with great and exemplary candour, have given us equal advantages in return. A small increase in the price of freight would operate greatly in favour of the southern states: it would promote the spirit of ship-building; it would promote a nursery for native seamen, and would afford support to the poor who live near the sea coast; it would increase the value of their lands, and, at the same time, it would reduce their taxes.

It has finally been objected that the several states are not permitted to tax their exports for the benefit of their particular treasuries. This strange objection has been occasionally repeated by citizens of this state. They must have transplanted it from another state, for it could not have been the growth of North Carolina.

Such have been the objections against the new constitution.

Whilst the honest patriot who guards with jealous eye the liberties of his country, and apprehends danger under every form —the placeman in every state, who fears lest his office should pass into other hands—the idle, the fractious, and the dishonest, who live by plunder or speculation on the miseries of their country—while these, assisted by a numerous body of secret enemies, who never have been reconciled to our independence, are seeking for objections to this constitution—it is a remarkable circumstance, and a very high encomium on the plan, that nothing more plausible has been offered against it; for it is an easy matter to find faults.

Let us turn our eyes to a more fruitful subject; let us consider the present condition of the United States, and the particular benefits that North Carolina must reap by the proposed form of government. Without money no government can be supported; and Congress can raise no money under the present constitution. They have not the power to make commercial treaties, because they cannot preserve them when made. Hence it is, that we are the prey of every nation. We are indulged in such foreign commerce as must be hurtful to us; we are prohibited from that which might be profitable; and we are accordingly told, that in the last two years, the thirteen states have hardly paid into the treasury as much as should have been paid by a single state. Intestine commotions in some of the states—paper money in others—a want of inclination in some, and a general suspicion throughout the union that the burden is unequally laid—added to the general loss of trade—have produced a general bankruptcy, and loss of honor. We have borrowed money of Spain—she demands the principal, but we cannot pay the interest. It is a circumstance perfectly humiliating, that we should remain under obligations to that nation. We are considerably indebted to France; but she is too generous to insist upon what she knows we cannot pay, either the principal or interest. In the hour of distress, we borrowed money in Holland; not from the government but from private citizens. Those who were called the patriots, were our friends, and they are oppressed in their turn by

hosts of enemies. They will soon have need of money. At this hour, we are not able to pay the interest of their loan. What is to be done? Will you borrow money again from other citizens of that oppressed republic, to pay the interest of what you borrowed from their brethren? This would a painful expedient: but our want of government may render it necessary. You have two or three ministers abroad; they must soon return home, for they cannot be supported. You have four or five hundred troops scattered along the Ohio to protect the frontier inhabitants, and give some value to your lands; those troops are ill paid, and in a fair way for being disbanded. There is hardly a circumstance remaining—hardly one external mark—by which you can deserve to be called a nation. You are not in a condition to resist the most contemptuous enemy. What is there to prevent an Algerine pirate from landing on your coast, and carrying your citizens into slavery? You have not a single sloop of war. Does one of the states attempt to raise a little money by imposts or other commercial regulations? A neighbouring state immediately alters her laws, and defeats the revenue by throwing the trade into a different channel. Instead of supporting or assisting, we are uniformly taking the advantage of one another. Such an assemblage of people are not a nation. Like a dark cloud, without cohesion or firmness, we are ready to be torn asunder, and scattered abroad by every breeze of external violence, or internal commotion.

Is there a man in this state, who believes it possible for us to continue under such a government? Let us suppose but for a minute, that such a measure should be attempted. Let us suppose that the several states shall be required and obliged to pay their several quotas according to the original plan. You know that North Carolina, in the last four years, has not paid one dollar into the treasury for eight dollars that she ought to have paid. We must increase our taxes exceedingly, and those taxes must be of the most grievous kind; they must be taxes on land and heads, taxes that cannot fail to grind the face of the poor; for it is clear that we can raise little by imports and exports. Some foreign goods are imported by water from the northern states:

such goods pay a duty for the benefit of those states, which is seldom drawn back. This operates as a tax upon our citizens. On this side, Virginia promotes her revenue to the amount of twenty-five thousand dollars every year, by a tax on our tobacco that she exports. South Carolina, on the other side, may avail herself of similar opportunities. Two-thirds of foreign goods that are consumed in this state, are imported by land from Virginia or South Carolina. Such goods pay a certain impost for the benefit of the importing states, but our treasury is not profited by this commerce. By such means our citizens are taxed more than one hundred thousand dollars every year; but the state does not receive credit for a shilling of that money. Like a patient that is bleeding at both arms, North Carolina must soon expire under such wasteful operations. Unless I am greatly mistaken, we have seen enough of the state of the union, and of North Carolina in particular, to be assured that another form of government is become necessary. Is the form of government now proposed well calculated to give relief? To this we must answer in the affirmative. All foreign goods that shall be imported into these states, are to pay a duty for the use of the nation. All the states will be on a footing, whether they have bad ports or good ones. No duties will be laid on exports; hence the planter will receive the true value for his produce, wherever it may be shipped. If excises are laid on wine, spirits, or other luxuries, they must be uniform throughout the states. By a careful management of imposts and excises, the national expenses may be discharged without any other species of tax; but if a poll tax or land tax shall ever become necessary, the weight must press equally on every part of the union. For in all cases such taxes must be according to the number of inhabitants. Is it not a pleasing consideration that North Carolina, under all her natural disadvantages, must have the same facility of paying her share of the public debt, as the most favoured, or the most fortunate state? She gains no advantage by this plan, but she recovers from her misfortunes. She stands on the same footing with her sisters, and they are too generous to desire that she should stand on lower ground. When you consider those parts

of the new system which are of the greatest import—those which respect the general question of liberty and safety—you will recollect that the states in convention were unanimous; and you must remember, that some of the members of that body have risqued their lives in defence of liberty: but the system does not require the help of such arguments; it will bear the most scrupulous examination.

When you refer the proposed system to the particular circumstances of North Carolina, and consider how she is to be affected by this plan, you must find the utmost reason to rejoice in the prospect of better times. This is a sentiment that I have ventured with the greater confidence, because it is the general opinion of my late honourable colleagues,* and I have the utmost reliance in their superior abilities. But if our constituents shall discover faults where we could not see any—or if they shall suppose that a plan is formed for abridging their liberties, when we imagined that we had been securing both liberty and property on a more stable foundation—if they perceive that they are to suffer a loss, where we thought they must rise from a misfortune—they will, at least do us the justice to charge those errors to the head, and not to the heart.

The proposed system is now in your hands, and with it the fate of your country. We have a common interest for we are embarked in the same vessel. At present she is in a sea of trouble, without sails, oars, or pilot; ready to be dashed to pieces by every flaw of wind. You may secure a port, unless you think it better to remain at sea. If there is any man among you that wishes for troubled times and fluctuating measures, that he may live by speculations, and thrive by the calamities of the state, this government is not for him.

If there is any man who envies the prosperity of a native citizen —who wishes that we should remain without native merchants or seamen, without shipping, without manufactures, without commerce—poor and contemptible, the tributaries of a sovereign country—this government is not for him.

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* Williamson was a member of the Federal Convention.—*Ed.*

And if there is any man who has never been reconciled to our independence, who wishes to see us degraded and insulted abroad, oppressed by anarchy at home, and torn into pieces by factions—incapable of resistance, and ready to become a prey to the first invader—this government is not for him.

But it is a government, unless I am greatly mistaken, that gives the fairest promise of being firm and honourable; safe from foreign invasion or domestic sedition—a government by which our commerce must be protected and enlarged; the value of our produce and of our lands must be increased; the labourer and the mechanic must be encouraged and supported. It is a form of government that is perfectly fitted for protecting liberty and property, and for cherishing the good citizen and honest man.

LETTER

OF

A STEADY AND OPEN REPUBLICAN,

WRITTEN BY

CHARLES PINCKNEY,

AND PRINTED IN

THE STATE GAZETTE OF SOUTH CAROLINA,

MAY,

1788.

NOTE.

In the file of the *State Gazette of South Carolina* in the possession of the Charleston Chamber of Commerce, a slip is inserted opposite this essay, on which is writing contemporay with the paper, stating that it was written by Charles Pinckney. It is almost the only essay on this subject contained in the file, which is not merely extracted from some northern paper; and Pinckney was, indeed, almost the only South Carolinian who had given any attention to the subject involved, or who wrote for the press.

A REPUBLICAN.

THE STATE GAZETTE OF SOUTH CAROLINA.

(Number 3610)

MONDAY, MAY 5, 1788.

MRS. TIMOTHY:

The enclosed,* copied from a paper sent me by a friend, seems so peculiarly adapted to our present situation, that I cannot forbear selecting it from the crowd of publications since the appearance of the proposed Federal Constitution, and recommending it, thro' your paper, to the most serious attention of all our fellow-citizens; but previously a few HINTS, by way of introduction, will not, I hope, be impertinent.

New Hampshire and Georgia are the two extreme barriers of the United States, if the latter can with any propriety be called a barrier without this state in conjunction; and both together, we know, are not, in point of force, ready for any sudden emergency, to be compared to New Hampshire.

It cannot be doubted that Great Britain has her busy emissaries throughout the states, and not a few amongst us; and should the Constitution be rejected, how long can we flatter ourselves to be free from Indian cruelties and depredations, some time since begun in Georgia, and if at this moment warded off from us, 'tis principally owing to the dread of an efficacious union of the states by the adoption of the Federal Constitution, The three southern states particularly, we have had for several years past, good

* Following this article was an essay from a New York paper.—*Ed.*

grounds to think Great Britain wishes to separate from the rest, and to have reverted to her if possible.

Mr. Martin's* long mischievous detail of the opinions and proceedings of the late general convention, (already occupying a large space in six of your Gazettes, and still unfinished,) with all his colourings and uncandid insinuations, in regard to General Washington and Doct. Franklin, may suit the short-sighted selfish wishes of *an individual* of a state situated almost in the centre of the rest, and much safer by that means from sudden alarms. But the generous, manly *and truly federal sentiments of Maryland* are well known, and 'tis not doubted will be unequivocally shewn at her convention very shortly to be held—and that New Hampshire, early in her first meeting on that important subject, has only by consent taken farther time to consider of it, and will at her next meeting adopt it, is the general opinion.

What pity the salutary caution of Doct. Franklin, just previous to his signing the constitution recommended by the convention, had not been strictly attended to! If we split, it will in all probability happen in running headlong on the dangerous rock he so prophetically (as it were) warned us from, "That the opinions of the errors of the constitution born within the walls of the convention, should die there, and not a syllable be whispered abroad." This Hint is full of that foresight and penetration the Doctor has always been remarkable for.

When the general convention met, no citizen of the United States could expect less from it than I did, so many jarring interests and prejudices to reconcile! The variety of pressing dangers at our doors, even during the war, were barely sufficient to force us to act in concert, and necessarily give way at times to each other. But when the great work was done and published, I was not only most agreeably disappointed, but struck with amazement. Nothing less than that superintending hand of Providence, that so miraculously carried us through the war (in my humble opinion), could have brought it about so complete, upon the whole.

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* See page 339.—*Ed.*

The constitution recommended, in all respects, takes its rise where it ought, from the people; its President, Senate, and House of Representatives, are sufficient and wholesome checks on each other, and at proper periods are dissolved again into the common mass of the people: longer periods would probably have produced danger; shorter, tumult, instability and inefficacy. Every article of these and other essentials to a republican government, are, in my opinion, well secured; were it otherwise, not a citizen of the United States would have been more alarmed, or more early in opposition to it, than

A STEADY AND OPEN REPUBLICAN.

Charleston, May 2d, 1788.

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